

MILITARY SURVEILLANCE OF
CIVILIAN POLITICS

A REPORT

OF THE

SUBCOMMITTEE ON CONSTITUTIONAL RIGHTS
COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE



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List of Abbreviations Used in Text

ACLU—American Civil Liberties Union
ACSI—Assistant Chief of Staff for Intelligence
AFES—Armed Forces Entrance Examination Station
AFSTRIKE—Air Force Strike Command
AOC—Army Operations Center
ARSTRIKE—Army Forces Strike Command
ASA—Army Security Agency
CIAB—Counterintelligence Analysis Branch
CI—Counterintelligence
CIC—Counterintelligence Corps
CONARC—Continental Army Command
CONUS—Continental United States
CORE—Congress of Racial Equality
CRIS—Counterintelligence Records Information System
DA—Department of the Army
DCDPO—Directorate of Civil Disturbance Planning and Operations
DOD—Department of Defense
DOMS—Directorate of Military Support (formerly DCDPO)
EI—Essential Elements of Information
FBI—Federal Bureau of Investigation
ICP—Intelligence Collection Plans
IDIU—Interdivisional Intelligence Unit
INTSUM—Intelligence Summary
IRR—Investigative Records Repository
MDW—Military District of Washington
MI—Military Intelligence
NAACP—National Association for the Advancement of Colored People
NIS—Naval Investigative Service (formerly ONI)
NMCEWV—National Mobilization Committee To End the War in Vietnam
OACSI—Office of the Assistant Chief of Staff for Intelligence
OEO—Office of Economic Opportunity
ONI—Office of Naval Intelligence (now NIS)
OSI—Office of Special Investigations, Air Force
RITA—Resistance in the Army
ROTC—Reserve Officers Training Corps
SCLC—Southern Christian Leadership Conference
SDS—Students for a Democratic Society
SNCC—Student Nonviolent Coordinating Committee
USAINTC—U.S. Army Intelligence Command
USSTRICOM—U.S. Strike Command

INTRODUCTION

Ever since the early 1960's, the Subcommittee on Constitutional Rights has conducted a study of the right of privacy as part of its jurisdictional mandate to "examine, investigate, and make a complete study of any and all matters pertaining to constitutional rights." Although the study has involved a number of separate factual issues, the thrust of the subcommittee inquiry has been to identify and bring to an end unwarranted intrusions by the Government into the privacy of individual citizens. The study has been primarily concerned with attempts to gather and computerize personal information of no legitimate interest to the Government.

Since 1967, the subcommittee has conducted an inquiry into the rights of privacy of Federal employees. In 1968, an inquiry was begun into possible violations of personal privacy found in a Bureau of Census questionnaire. In early 1969, an inquiry was made into certain Secret Service requests for information from other Government agencies which appeared to jeopardize the privacy of the individuals concerned. Also in 1969, the subcommittee questioned the use of an HEW questionnaire to all recipients of social security and medicare.

Also in this period, the subcommittee investigated the HEW practice of subjecting scientific advisers and consultants to political investigation and clearances prior to being appointed to technical advisory positions with the Department. The subcommittee's efforts led to a formal review by then Secretary Finch and the establishment of new procedures which ensured that the choice of scientific and technical advisers would not involve inquiry into activities protected from Government interference under the First Amendment.

It was against this background that the subcommittee conducted its investigation of Army surveillance.

Early in January 1970, the subcommittee's attention was drawn to an article entitled "CONUS Intelligence: The Army Watches Civilian Politics" published in the *Washington Monthly*. Written by Christopher H. Pyle, a former captain in Army intelligence, the article alleged:¹

Today the Army maintains files on the membership, ideology, programs, and practices of virtually every activist political group in the country. These include not only such violence-prone organizations as the Minutemen and the Revolutionary Action Movement (RAM), but such nonviolent groups as the Southern Christian Leadership Conference, Clergy and Laymen United Against the War in Vietnam, the American Civil Liberties Union, Women Strike for Peace, and the National Association for the Advancement of Colored People.

This data collection, Mr. Pyle wrote, had its origins in the Army's preparation for riot duty, but had gone beyond the need for recon-

¹ "CONUS Intelligence: The Army Watches Civilian Politics," *Washington Monthly*, January 1970, p. 5.

naissance of cities to the development of personality and organizational files on individuals and groups unassociated with violent political protests. This information was published in many forms, including intelligence summaries and a "blacklist" or mug book. Plans were also underway to store such information in a computerized data bank at Fort Holabird in Baltimore, Md. What was particularly unique about the data bank, Mr. Pyle alleged, was that it would be devoted to the storage of information about the primarily lawful activities of civilians unaffiliated with the Armed Forces.

These charges attracted immediate and widespread coverage in the press. Within a month, over 30 Members of Congress had made inquiries of the Army, demanding to know if the charges were true and, if so, by what authority and for what purpose the data was being collected.

Subsequently, the Subcommittee on Constitutional Rights received hundreds of letters and telegrams from Members of Congress and other interested citizens urging the subcommittee to conduct an investigation and hearings to determine whether the charges were true.

Their inquiries raised not only the factual issue of what was being done, but also important constitutional and legal issues.

First of all, was the Army properly authorized by law to engage in surveillance of American citizens? Implied by this broad question were others involving the constitutionality of such authority, the principle and effectiveness of civilian control over the military, the degree of military control exercised by senior commanders over their subordinates, civilian primacy in domestic law enforcement, executive obedience to congressional mandates, and the proper role of the Armed Forces in American domestic life.

Secondly, to what extent, if at all, did the domestic intelligence operations of the Armed Forces infringe upon the constitutional rights of politically active individuals and organizations, as well as all other citizens? In particular, what has been—or could be—the impact of military surveillance of civilians on the freedoms of speech, press, religion, and association, the rights to privacy and due process of law, and the right to petition one's government for redress of grievances?

The subcommittee set out to answer these questions by initiating correspondence between the chairman and the Department of the Army in January, 1970, to determine the nature of and policy concerning military surveillance of civilians. Similar correspondence was initiated with the Defense and Justice Departments in the summer of 1970. The process was slow. Initial denials slowly became partial admissions. Requests for directives or for examples of intelligence were reluctantly honored.

Meanwhile, the subcommittee was receiving reports from scores of former Army intelligence agents. Their recollections were of inestimable value in establishing the nature and scope of the Army's CONUS (for Continental U.S.) intelligence operations, and in placing those operations in the proper historical context. In short, they gave direction to the subcommittee inquiry.

The subcommittee also benefited from the writings of several investigative reporters, including Morton Kondracke of the *Chicago Sun-Times*, Jared Stout of Newhouse News Service, and Richard

Halloran and Ben A. Franklin of the *New York Times*. These reporters uncovered many aspects of the CONUS intelligence program and the decisionmaking that went into it which would otherwise have remained unknown to the subcommittee.

On the basis of this information, the subcommittee conducted hearings into military surveillance of civilians in February and March 1971. Testimony was heard from top-ranking civilian and military officials of the Departments of Army, Defense, and Justice. In addition, there was testimony from several former intelligence agents and analysts, and from professors, lawyers, and computer specialists. The hearings, entitled "Federal Data Banks, Computers, and the Bill of Rights," were published in January, 1972.

After the hearings adjourned, the subcommittee continued to press for copies of the printouts, instructions, or compilations from Army data banks. After repeated requests, these documents, most of which were classified, were loaned by the Justice Department, which had the documents in connection with pending lawsuits involving the surveillance. These documents were often coded and detailed, and the subcommittee was left to its own devices—within the limits imposed by their classification—to analyze and compile the data. Little help was given by the Defense Department. Further documents were received from the Defense Department in January, 1972, which shed additional light on the surveillance operation.

The subcommittee staff's painstaking analysis of the documents obtained in the course of its investigation, entitled "Army Surveillance of Civilians: A Documentary Analysis," was published in August 1972. By this time, and only after some 15 months of effort by the chairman, the staff report was freed from the classification imposed on it by the Department of Defense.

This report represents the culmination of the subcommittee study. It is a narrative description of Army surveillance and a discussion of its legality.

SUMMARY OF FINDINGS

Army surveillance of civilians engaging in political activities in the 1960's was both massive and unrestrained. At the height of the monitoring, the Army engaged over 1,500 plainclothes agents to collect information which was placed in scores of data centers around the country. While most of the information collecting consisted of activities such as the clipping of newspaper accounts and attending public events, there were many more serious instances of surveillance in which covert means were used to observe or infiltrate groups. No individual, organization, or activity which expressed "dissident views" was immune from such surveillance and, once identified, no information was too irrelevant to place on the Army computer. Apparently, the impetus for the surveillance were in response to the ghetto riots and mass demonstrations which marked the mid-1960's, and which had required the use of Armed Forces. The Army claims these earlier disturbances had indicated the need for more information to predict future riots and disturbances, and to deploy troops and conduct operations when called upon by the President.

The chief subjects of the surveillance were protest groups and demonstrators whose activities the Army attempted to relate to its civil disturbance mission. Little distinction was made between peaceful and non-peaceful groups. Protests and demonstrations of a peaceful, non-violent nature, which have come to be recognized as significant parts of this country's legitimate political process, were all targets for the Army's agents. More traditional forms of political activity were similarly monitored if they involved dissident groups or individuals.

The mushrooming of surveillance has been explained by the sense of panic and crisis felt throughout the government during this period of extremely vocal dissent, large demonstrations, political and campus violence, and what at the time seemed the inauguration of a period of widespread anarchy. While officials testifying before the Subcommittee suggested that these crises justified the surveillance, they failed to recognize that the rights guaranteed by the Constitution are constant and unbending to the temper of the times. As Justice David Davis stated a century ago in the case of *Ex parte Milligan*, 71 U.S. 2, 120-121 (1866):

The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men at all times under all circumstances. No doctrine involving more pernicious consequences was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government. Such a doctrine leads directly to anarchy or despotism, but the theory of necessity on which it is based is false, for the Government, within the Constitution, has all the powers granted to it which are necessary to

preserve its existence, as has been happily proved by the result of the great effort to throw off its authority.

One of the theories prevalent during the mid-1960's was the theory that the widespread disorders could be traced to a determined effort on the part of a defined group of political activists. This conspiracy theory was manifested not only in testimony before the Congress but in conversations of high government officials meeting on ways to deal with the crisis. The conspiracy theory was one of the underpinnings of the Army surveillance program, as well as the intelligence efforts of other federal and state agencies during the period. Whatever the evidence then thought to support this theory, the presumed existence of a grand conspiracy again does not excuse or justify Army surveillance. The responsibility of collecting evidence to establish such a theory belongs, if to any governmental agency, to civilian law enforcement and never to the military. It is more than a footnote to history that no evidence has even been found supporting the conspiracy theory.

Despite the explosive climate of the late 1960's, military surveillance of civilian political activities in fact had a much longer history. While there was unquestionably a great upsurge of such activity after 1967, the origins of surveillance can be traced as far back as World War I. Its intensity varied in the ensuing years.

The subcommittee has been unable to conclude what particular official or officials were responsible for ordering the expansion of the surveillance operation in the late 1960's. Senior officials, both civilian and military, in the Departments of Defense and Army should have been aware of these operations. Several comprehensive intelligence-gathering plans were circulated to the upper echelons of both departments. There is no satisfactory explanation why these officials should have remained unaware of the program or, if aware, why they failed in their responsibility to perceive the violations of constitutional law and traditions taking place. The failure of senior civilian officials to know of this program, or if knowing, to halt it, represents one of the most serious breakdowns of civilian control of the military in recent years.

It took over two full years—from the Army's discovery of surveillance excesses late in 1968 and early in 1969 until the creation of DIRC and its inspections beginning in spring of 1971—for the civilian superiors to bring the military under control. Once set in motion, the bureaucratic inertia proved all but impossible to halt, finally requiring as it did congressional hearings, prohibitions by the Secretary of Defense and the President, law suits, reprimands of senior officers and threats of courts-martial, great public outcry, and finally unannounced inspections, before the military, if not the American people, could be assured that the surveillance had been ended.

In any case, it is now apparent that domestic surveillance was undertaken in earnest in 1967 by several Army offices and commands. There was, apparently, no centralized control—each appeared to proceed on its own initiatives.

Participating in the domestic intelligence collection program were the U.S. Army Intelligence Command (USAINTC) and the Continental Army Command (CONARC). The Office of the Director of

Civil Disturbance Planning and Operation (DCDPO), under the Army Chief of Staff, produced intelligence analyses predicting future disturbances. A similar function was performed at Department of Army level by the Counterintelligence Analysis Branch (CIAB) which was under the supervision of the Assistant Chief of Staff for Intelligence.

USAINTC was the principal intelligence-gatherer. It was comprised of 304 stateside offices, manned by over a thousand agents. CONARC, in reality a huge "holding company" of stateside armies, had intelligence units assigned to it, and these also engaged in intelligence gathering. Both commands maintained huge data banks of information obtained from these agents, and from external sources, including the intelligence units of other branches of service and the FBI. DCDPO and CIAB also maintained computerized intelligence files.

The subcommittee takes note that while these agencies did participate in domestic surveillance, they performed other legitimate intelligence functions. What proportion of their energies were devoted to domestic intelligence, the subcommittee cannot precisely ascertain.

The collection plans promulgated by these commands and agencies were vague and overbroad. This lack of definition resulted in collections of irrelevant, incorrect, ambiguous, and ultimately, useless information which bore no conceivable connection with the Army's civil disturbance mission.

The methods used in conducting surveillance were also objectionable. While most of the intelligence was gathered by agents at public meetings or from clipping printed publications, there is considerable evidence of the frequent use of undercover agents and other covert means to obtain information. The collection plans provided little restriction on how the intelligence was to be collected.

Army intelligence data was circulated not only to Army commands, but also to other branches of service, and to civilian agencies, in particular the FBI.

The domestic intelligence was used by the Department of Army to prepare briefings and written analyses for use by the Pentagon. These briefings and analyses appear to be as far removed from the Army's domestic mission as the information from which they were gleaned.

Storage of domestic intelligence was not confined to the computers of USAINTC and CONARC. Substantial files were maintained in virtually every subordinate command and field office across the country.

Despite efforts by certain Department of Army officials to limit the nature and scope of surveillance, it continued largely unabated until public pressure began to build in early 1970.

In March 1970 the Secretary of the Army ordered surveillance of civilian political activity to cease, and the data banks containing the intelligence to be destroyed. An Army directive to this effect, but not without loopholes, followed in June.

The Secretary of Defense issued similar orders in December 1970 which applied to all services. A Defense Department directive appeared in March 1971 reiterating the prior orders and directives. It furthermore provided for a Defense Investigative Review Council

(DIRC) to be established to monitor the intelligence activities of the services and insure compliance with the directive.

The experience from early 1970 through the period following the subcommittee's hearings in March 1971 demonstrates the difficulty that the senior civilian faced in trying to impose controls and obedience to their orders in lower echelons. Even during our hearings, a full year after the first attempts by the Secretary of the Army to control the surveillance, the subcommittee was receiving reports of efforts to frustrate higher orders. If one agrees with the Army's contention that it discovered and sought to control surveillance as early as February 1969, then the evidence of disobedience to civilian control is even more striking. In any case, it was only after the creation of the DIRC and the institution of periodic unannounced inspection tours that the Congress and the people could begin to have confidence that the surveillance was in fact being stopped.

Nonetheless, the subcommittee has only the assurance of the Army and the executive branch that the domestic intelligence files have been destroyed. No independent inspection has been permitted, nor can the subcommittee evaluate the adequacy of the assurance it has received. Did the Army verify the destruction of the files by its own inspection? Were they only shifted to other agencies? Were they simply disguised or hidden? While the subcommittee has no concrete evidence to suggest unsatisfactory answers to these questions, our experience during the investigations requires some measure of caution in accepting these assurances.

We also have the assurance that surveillance will not resume, but similarly we cannot evaluate the worth of that assurance. Given the fact that much of the previous intelligence work was done by local agents working on their own initiative, can we be sure that control by the upper echelons will be an effective restraint? In the final analysis, the present policy is one of military self-restraint, self-imposed and self-enforced. In effect, the situation has returned to the "pre-riot" stage, with only the lessons of the recent controversy as a restraint on the reactivation of the surveillance.

There is no question that military surveillance of civilian political activity is illegal, at least in the sense that it was not authorized by law. Finding no explicit sanction in the constitutional mandate to suppress domestic violence, or in the statutes which have been promulgated under it, the subcommittee cannot imply the need for such domestic operations from the military's limited domestic mission. The historical tradition of limited intervention of the military in civilian affairs, and the subordination of the military to civilian control, are two reasons for refusing to imply broad powers from the existing constitutional and statutory mandates. The narrowly defined character of the statutes authorizing use of armed forces to suppress domestic violence, and the statutes which generally restrict the use of military agents elsewhere in the civilian domain, are additional compelling reasons to limit this assertion of authority to intrude in civilian affairs. Finally, the subcommittee feels, such implication should be resisted because there are civilian intelligence agencies which perform precisely the function the military claims is theirs.

Practical necessity does not dictate such implied authority which duplicates the activities of civilian agencies in an area so fraught with dangers to constitutional government.

Second, military surveillance inhibits the exercise of constitutionally guaranteed rights of free speech, free association, and privacy. The Constitution denies government the power to inhibit as well as prohibit the exercise of first amendment rights. The effect of Army surveillance is to cast the pall of official disapproval upon the views and activities of those whom it makes its subjects. Once so identified, these civilians and civilian organizations have more difficulty in making converts or attracting sympathizers because of an implicit fear that some type of official retribution may one day be visited upon those who have been recorded as having espoused views contrary to those of the Government. Furthermore, the outspoken citizens or organizations may themselves be reluctant to continue to express unpopular opinions in the face of official disapproval and diminishing acceptance of their positions. In short, military surveillance infringes upon first amendment rights because it increases the reluctance of citizens to voice their opinions. It is difficult to perceive a more effective method of stifling the public willingness to engage in controversial public debate than by the specter of military surveillance. Congress itself long ago recognized the effect of a military presence in domestic politics by enacting a specific law, 18 U.S.C. 592, which prohibits stationing military forces at polling places.

The infringement of first amendment rights attributed to Army surveillance has been argued before the courts in the context of whether such infringement is alone enough harm to invoke in the courts' jurisdiction. The government claimed that some additional harm—for example, loss of employment, a privilege, or a service—must be entailed by the inhibiting governmental activity before the inhibition is unconstitutional. The Supreme Court, by a 5-4 decision concerning the constitutionality of Army surveillance, agreed and dismissed the complaint in *Tatum v. Laird*, 408 U.S. 1 (1972).

The subcommittee disagrees with this view. The simple allegation that one's first amendment rights have been infringed by an existing governmental activity should be sufficient to invoke the jurisdiction of the courts. Many past Supreme Court decisions show that government action which, by itself, or in conjunction with other social or political factors, can be seen to discourage exercise of free speech, is sufficient to raise an issue of constitutionality under the first amendment. When that government action is unauthorized by law, contrary to explicit criminal prohibitions, unnecessary and irrelevant to a specific government purpose, vaguely defined, and loosely administered, there is no question that under traditional concepts of constitutional law, the Court should have found that military surveillance is a violation of the first amendment.

And, in any case, if, in the Court's view, the necessary elements to present a controversy ripe for decision were not found in the *Tatum* case, this does not prevent or excuse the Congress from determining the issue. Congress is not bound by the technical rules of "justiciability" or "case or controversy" that govern the judicial branch.

From our examination of the facts and law, it is the view of the subcommittee that Army surveillance did violate the first amendment.

Third, while the infringement of a first amendment right should be sufficient injury upon which a court could grant relief, courts have held, and the subcommittee agrees, that where the effect of the governmental activity is "incidental" to the attainment of a "compelling" governmental interest, the activity is not rendered unconstitutional. But it should nevertheless be restricted as nearly as possible to avoid infringing upon first amendment rights, while still accomplishing the desired objective.

Military surveillance does not meet this test. There is an alternative to Army surveillance, a less restrictive means of obtaining domestic intelligence in preparation for civil disturbance—namely, to limit this activity to civilian intelligence agencies, which are explicitly authorized by law to perform this function.

In times of civil disturbance military forces are subordinate to civilian authorities and it is these authorities which must decide how and where to deploy military forces. This underscores the desirability and propriety of leaving this intelligence function in civilian hands.

The subcommittee concludes, then, that military surveillance was both unauthorized and in violation of the first amendment.

PART I. THE NATURE OF DOMESTIC INTELLIGENCE

The chief factual question before the subcommittee concerned the nature and scope of the military's domestic intelligence operations. Former intelligence agents alleged that the surveillance of individuals and organizations active in civilian politics was massive and unrestrained. The Army, while characterizing these charges as exaggerated, reluctantly conceded a number of unspecified abuses and excesses. At the same time it promulgated substantial changes in policy.

On the basis of extensive documentary and testimonial evidence, much supplied by the Departments of Defense, Army, and Justice, it is evident that the U.S. Army had for several years maintained a close and pervasive watch over most civilian protest activity throughout the United States. At its height during the late 1960's, the monitoring drew upon the part-time services of at least 1,500 plainclothes agents of the Army Intelligence Command, and an unspecified number of agents from the Continental Army Command.² Their reports, which described the nonviolent political activities of thousands of individuals and organizations unaffiliated with the armed forces were amassed in scores of data centers. Intelligence reports and computer printouts examined by the subcommittee establish that no demonstration was too small or too peaceful to merit direct or indirect monitoring. No church meeting was too sacred and no political gathering too sensitive to be declared off limits. The picture is that of a runaway intelligence bureaucracy unwatched by its civilian superiors, eagerly grasping for information about political dissenters of all kinds and totally oblivious to the impact its spying could have on the constitutional liberties it had sworn to defend.

PURPOSES OF THE DOMESTIC SURVEILLANCE PROGRAM

Reconstructing the purposes of any large program is never an easy task. This is particularly true here since the policy originated without congressional authorization, and close centralized supervision was absent. According to Mr. Froehlke, "the records reveal that little, if any, direction and guidance was provided to the military services from the White House or the Justice Department in written form."³ Moreover, "[i]n none of the documents of record * * * do we [the Department of Defense] find a specific legal rationale for this use of military resources to collect civil disturbance information."⁴ Mr. Froehlke alluded to "[n]umerous memoranda of record of inter-agency group meetings at the White House and elsewhere."⁵ but none has been made available to the subcommittee. Because the sub-

committee has not had the opportunity of a firsthand analysis of these memorandums, it has had to rely heavily on the interpretations and reports prepared by the Department in response to its questions.

Apart from these reports, the subcommittee has had to infer the program's purposes from (1) the nature of the information sought (particularly as evidenced by various collection plans), (2) the uses to which it was put (as evidenced by computer printouts, intelligence reports, publications, and the recollections of former agents), and (3) after-the-fact justifications (as reported by representatives of the executive branch and former agents).

Early warning of civil disorders.—The Army's demand for reports on incidents involving demonstrations, confrontations, or violence clearly was tied to its desire for advance notice of riots which it might be called upon to quell. During the early 1960's, responsibility for the early warning system was assigned to the Continental Army Command, the nationwide holding company for most stateside troop units and installations. This delegation, according to Mr. Froehlke, took place in 1963.⁶ In January 1965, this assignment was shifted to the Army Intelligence Command along with the transfer of the military intelligence groups that had been providing the manpower to carry it out. Nonetheless, the Continental Army Command continued to operate its own early warning system. To do so, it drew upon the resources of a number of combat-oriented military intelligence detachments assigned to garrisoned troop units. The Continental Army surveillance system operated in violation of regulations, and without the knowledge, apparently, of senior Army commanders. At one point in the investigation, formal legal action against these senior commanders was contemplated, but no formal steps were ever taken on the matter.⁷

Although one purpose of the program was early warning, there is no indication that the intelligence was ever actually used in this way. In fact, most of the intelligence was gathered from FBI and press reports regarding events leading up to civil disturbance. The Army's role in generating intelligence for this purpose was not substantial. In fact, it duplicated the work of civilian intelligence agencies, and its own operations were repetitious due to the fact that two independent early warning systems were being operated by the Army—one by the Intelligence Command and one by the Continental Army Command.

Prediction of ghetto riots.—The early warning systems presumably were designed to save hours and minutes in reaction time. They did not help the Army plan how best to allocate its resources over long periods of time. Accordingly, efforts also were undertaken to make long-range predictions of ghetto riots from historical and sociological data. Collection of this kind of information began as early as 1966, but did not reach large proportions until after September 1967, when Mr. Cyrus Vance, former Deputy Secretary of Defense, submitted his after-action report as President Johnson's representative to Detroit. He recommended:⁸

The assembly and analysis of data with respect to activity patterns is also needed. I believe that it would be useful to assemble and analyze such data for

² "Federal Data Banks, Computers, and the Bill of Rights," Hearings before the Constitutional Rights Subcommittee, Committee on the Judiciary, U.S. Senate, 92d Cong., 1st sess. (1971), p. 151.

³ Hearings, pt. I, p. 384.

⁴ Hearings, pt. I, p. 385.

⁵ Hearings, pt. I, p. 386.

⁶ Hearings, p. 389.

⁷ Hearings, pp. 1217, 1220-2.

⁸ Hearings, p. 379.

Detroit, Newark, Milwaukee, Watts, etc. There may be "indicator" incidents; there may be typical patterns of spread; there may be a natural sequence in the order in which several types of incidents occur. All of these should be studied.

The assignment to identify such indicators and patterns was given to the Counterintelligence Analysis Branch (CIAB) in the Office of the Assistant Chief of Staff for Intelligence (OACSI). This branch directed the development of a number of "EEI's or 'Elements of Information,'" and "ICP's" or "Intelligence Collection Plans," to require intelligence gathering to this end. The most notable of these was published as the DA Civil Disturbance Collection Plan of May 2, 1968. Proceeding from the assumption that ghetto riots were likely to be caused by conspiracies, this document called for reports on "militant agitators," "inflammatory propaganda," and "rabble-rousing meetings and fiery agitation speeches of extremist civil rights groups."⁹ A second collection plan, promulgated by the Army, on April 23, 1969, came to the subcommittee's attention in October 1971, in a newspaper account.¹⁰ This particular collection plan is noteworthy because it was issued simultaneously with the Beal memorandum, discussed later in this report, which, the Department contends, signaled the beginning of the end of the surveillance. This plan, however, was, if anything, far greater in scope than its predecessors. It discloses an intent to continue and to intensify the surveillance.

The intelligence gathered in response to these collection plans was used to prepare "civil disturbance estimates of the situation." The first such estimate, patterned on "estimates of the situation" prepared by units in combat, was assembled by CIAB at the height of the Detroit riots. Basically, it was an account of what had happened and a guess at what had been responsible. Subsequent estimates drew upon historical and sociological data to assess the riot potential of a number of large cities. These assessments were included in the packets of materials prepared for riot unit commanders and other public officials with riot control functions. Still other threat estimates attempted to predict the course of protest politics in America over 1- and 5-year periods.

In addition, analysts at CIAB attempted to classify cities according to their potential for civil disorder. Over 100 cities were finally sorted into four categories, each representing a degree of likelihood that federal military assistance would be required to cope with a ghetto riot or unruly demonstration.

These threat analyses were typically short, pedestrian reports, exhibiting little insight or depth. They might as well have been prepared from reading daily newspapers and summarizing the assessments of leaders and observers in the particular cities.

Reconnaissance of potential riot areas.—When Lt. Gen. John Throckmorton arrived on the riot-torn streets of Detroit in July 1967, he had only an oil company map from which to determine where and how to deploy his troops. Accordingly, Mr. Vance had recommended:

In order to overcome the initial unfamiliarity of the Federal troops with the area of operations, it would be desirable if the several Continental armies were tasked with reconnoitering the major cities of the United States in which it appears possible that riots may occur. Folders could then be prepared for those cities listing sites and possible headquarters locations,

⁹ The DA Collection Plan is reproduced in its entirety in the Hearings, pp. 1128-1138.

¹⁰ Hearings, p. 1731.

and providing police data, and other information needed to make an intelligent assessment of the optimum employment of Federal troops when committed.¹¹

A reconnaissance program designed to provide information on potential riot areas had existed on paper for several years prior to Vance's recommendation as part of the U.S. Strike Command's contingency plans for riot duty. But like the early warning system, it was not activated until after the Newark and Detroit riots. Its implementation during the winter and spring of 1967-68 resulted in the compilation of packets of maps and other descriptive information pertaining to certain cities and necessary to the efficient deployment of troops in those cities.

Planning for mass demonstrations.—Ghetto riots were not the only type of disruption for which the Army was directed to prepare during the 1960's. Organized mass demonstrations were also a major test of law enforcement capabilities. Beginning with protests against racial segregation in the South, military forces increasingly were called on to assist Federal or State authorities to keep the peace, enforce court orders, or protect lives and property. Some of the situations involved individuals and groups which deliberately broke laws in order to challenge their constitutionality or legitimacy or to express dissatisfaction with governmental policies. Often task force commanders were required to commit their forces without knowing exactly what they would encounter. In large part the lack of relevant and timely intelligence appears to have been due to the inadequacy of information supplied by civilian agencies. Police reports often were sporadic and inappropriate to military needs. FBI intelligence, in particular, was found to be weak in regard to the size, intentions, and capabilities of student and black groups.

Indicative of the Army's concern that it have such intelligence is a report from then Maj. Gen. Creighton Abrams on the Army's experiences during the civil rights marches in Birmingham, Ala., in May 1963:

We in the Army should launch a major intelligence project without delay, to identify personalities, both black and white, develop analyses of the various civil rights situations in which they may become involved, and establish a civil rights intelligence center to operate on a continuing basis and keep abreast of the current situation throughout the United States, directing collecting activities and collating and evaluating the product. Based upon this Army intelligence effort, the Army can more precisely determine the organization and forces and operation techniques ideal for each.¹²

To the extent that the surveillance system was designed to overcome this gap, it was inadequate. As disclosed by the computer printouts, information on the organization, plans, and size of various groups was collected, but no attempt was made to differentiate between those groups clearly law abiding and those which might possibly be involved in violence. The information was sketchy, subjective, and of little practical value to the Army for planning purposes.

Identifying "troublemakers."—The Army's need to know what was behind or involved in mass demonstrations tended to merge with its

¹¹ Hearings, pp. 378-379.

¹² Paul J. Schieps, "Role of the Army in Oxford, Miss. Incident, 1962-1963," Office of the Chief of Military History, Monograph No. 73M (Washington, D.C.: Department of the Army) 1965, p. 284.

more traditional interest in espionage, subversion, and revolution. Military intelligence officers, trained in counterintelligence and counterinsurgency warfare, and often with experience combating actual Communist conspiracies in foreign assignments, proceeded from the assumption that Communists or other revolutionaries were behind the turmoil of the 1960's. They tended to conceive of looters as a kind of "enemy" and marching protesters as "dissident forces."¹³

Military security.—The collection of personality and organizational data for civil disturbance purposes also overlapped with the military's collection of intelligence for purposes of its own security. The civil disturbance intelligence effort supplemented and was supported by both the older personnel security program and the newer intra-Army intelligence operation designed to identify dissent among individual servicemen.

The personnel security program was called upon to supply the bulk of the manpower used to collect civil disturbance intelligence. In return, personality and organization data from the civil disturbance collection effort was used to supplement the results of investigations of persons being considered for military security clearances.

The effort to monitor dissidents within the civilian community also overlapped with the monitoring of dissident servicemen who showed signs of "disaffection" and "subversion" which might undermine discipline and lead to "resistance in the Army." The overlap was most complete where civilian antiwar and black power groups were suspected of attempts to proselytize or recruit servicemen. Extensive files were kept on soldiers who belonged to civilian "organizations of interest," subscribed to antimilitary newspapers, frequented antiwar coffee houses, applied for draft counseling or conscientious objector status, refused to buy U.S. savings bonds, or complained to their Congressmen. Information for these files was culled from CONUS intelligence reports. The same personnel often ran both programs.

In practice, these separable purposes appears to have merged in the minds of most intelligence personnel to produce an operational presumption that the military had both the need and the authority to monitor any and all kinds of political expression. The presumption was encouraged both by high civilian officials who asked for all sorts of information without questioning how the Army would collect it, and by the Justice Department, which refused to assume sole responsibility for a civil disturbance early warning system.

ORIGINS OF THE SURVEILLANCE

The subcommittee, in the course of its investigation of military surveillance of civilians, has found it necessary to concentrate its attention on intelligence operations undertaken by the Army during the late 1960's. There can be no question that the military's interest in civilian protest politics expanded most rapidly in both scope and intensity during this period. Yet it would be a mistake to conclude that the monitoring began with the Newark and Detroit riots of 1967. Military surveillance of civilian politics in the United States is as old as Army intelligence itself.

¹³ See hearings, p. 1121.

World War I precedents.—Although the precedents go back to colonial times, the Army's recent operations can be traced most directly to the founding of military intelligence in 1917. From the outset, military intelligence has competed with the Justice Department for jurisdiction to investigate spies, saboteurs, and other subversives within the civilian populace. In 1918, a substantial campaign was launched in Congress to transfer to the War Department summary powers to investigate, arrest, try, and punish suspected German spies.¹⁴ The campaign failed when President Wilson threw his support to the opposition,¹⁵ but Army intelligence continued its investigations. The famous *Abrams* case,¹⁶ for example, which Justice Holmes delivered one of his most eloquent dissents in support of the "clear and present danger" doctrine, arose out of illegal arrests of civilians by Army intelligence sergeants.¹⁷

Army intelligence also competed with the Justice Department's Bureau of Investigation (forerunner of the FBI) for the cooperation of the American Protective League, a nationwide organization of lawyers and businessmen who voluntarily monitored their communities for signs of disloyalty and began what is today the security clearance program.

Under the aggressive leadership of Col. Ralph Van Deman, and later Lt. Col. Marlborough Churchill, military intelligence eventually came to compete with the Protective League. By the end of the war, Army intelligence had established a nationwide network of its own informants.¹⁸ These civilians reported to the Army not only on suspected German spies and sympathizers, but also on labor organizers, socialists, Communists, aliens, and even U.S. attorneys who, in their opinion, lacked sufficient anti-German fervor. Army and Navy undercover agents infiltrated a number of labor organizations and encouraged troop commanders to violate the Posse Comitatus Act¹⁹ to round up civilians and jail them without preferring charges on military installations.²⁰

Interwar period.—Fear of labor strife, socialism, and communism prevented the dissolution of the Army's domestic intelligence apparatus immediately following the armistice. Contingency plans not unlike those now in effect to deal with ghetto riots were drawn up to provide for the use of troops to put down labor strife.²¹ In support of these plans, Army intelligence continued to monitor protest politics. In one incident occurring in September, 1918, Maj. Omar Bradley was rebuked by a representative of the Justice Department for taking part in a raid on a union newspaper in Butte, Montana.²²

Postwar economies gradually led the Army to disband military intelligence in 1924. The American Protective League (then the National Protective League) went out of business at about the same time, leaving the new Federal Bureau of Investigation in charge of

¹⁴ Joan M. Jensen, *The Price of Vigilance* (Chicago: Rand McNally, 1968), p. 109 ff.

¹⁵ *Ibid.*, p. 248 ff.

¹⁶ *Abrams v. U.S.*, 250 U.S. 616 (1919).

¹⁷ Zechariah Chafee, Jr., *Free Speech in the United States* (New York: Atheneum, 1969), pp. 111-12.

¹⁸ Jensen, *op. cit.*, p. 124 and passim.

¹⁹ 18 U.S.C. sec. 1385.

²⁰ Jensen, *op. cit.*, pp. 225-228.

²¹ *Ibid.*, p. 270 ff.

²² *Ibid.*, p. 227.

almost all domestic intelligence activity for the Federal Government until the eve of World War II.

World War II.—The establishment of the Army Counterintelligence Corps (CIC) just prior to the Second World War marks the creation of the intelligence gathering organization which is the object of the current controversy. Although reorganized in the past decade into Army Intelligence Command (for stateside counterintelligence services), the Army Security Agency (for worldwide electronic intelligence), and a variety of other intelligence units (in part for unit and installation security), the CIC refined the Army's procedure for monitoring civilian politics.

These procedures, developed in part out of the Army's experience in combat intelligence and civil affairs, were used throughout the Second World War as part of the industrial security, personnel security, and counterespionage programs. By 1944, each of the stateside "service commands" was disseminating spot reports, weekly and monthly intelligence summaries, and a variety of special reports on civilian political activities within its area of jurisdiction. Copies of some of these reports, dealing with such subjects as "Communist matters," "Racial Matters," and Miscellaneous Groups and Organizations," are now on file with the Senate Internal Security Subcommittee.

Cold war period.—Military monitoring of civilian continued into the Cold War era. The 6th Army's Weekly Intelligence Summary of February 18, 1947, for example, lists Will Rogers, Jr., as a "Communist sympathizer." Another 6th Army Weekly INTSUM notes that the San Francisco Chapter of the National Association for the Advancement of Colored People had endorsed a subscription drive to Peoples World.²³

Letters received by the subcommittee from former military intelligence personnel indicate that during the 1950's naval intelligence in California kept a list of the membership of the Monterey Unitarian Church.²⁴ About the same time, Army intelligence in Texas kept records on the membership of the Unitarian congregation in Houston.²⁵

The early 1960's.—Former Army agents and Defense Department witnesses heard by the subcommittee agree that the recent expansion of the CONUS intelligence program grew out of the use of troops to enforce Federal laws and court orders in the South and to put a stop to ghetto riots in the North and West during the early 1960's. However, as part of its military security efforts, the Army also continued to keep files on civilians and civilian organizations not involved in the riots, or in challenges to civil authority at any level of government. As part of what was then called the "domestic intelligence program," the 113th Intelligence Corps (now the 113th MI Group) was keeping records on Minneapolis residents as early as 1962. Files recently destroyed at the Manhattan offices of the 108th MI Group dated back to before the Harlem riots of 1964, which was about the time that the Counterintelligence Analysis Branch (now detachment) in the Office of the Assistant Chief of Staff for Intelligence set up its "North American" desk and began keeping track of right-wing racial groups.²⁶

During 1965, agents of the 112th MI Group in Oklahoma City regularly photographed and reported on anti-war protesters picketing near that city's Federal courthouse. A year later, agents of the 111th MI Group rented a pickup truck and followed James Meredith on his "walk against fear" through Mississippi. About the same time, the 112th MI Group was keeping files on Texas State Representatives Curtis Graves and Barbara Jordan, ACLU attorneys, antiwar activists, and the president of the Brotherhood of Railway Clerks.²⁷

Thus, while the Army's monitoring of civilians expanded greatly in the wake of the ghetto riots of 1967-68, the surveillance was far from unprecedented. On the contrary, the essential apparatus was in operation long before the Army was called upon to anticipate riots or to plan for mass demonstrations. The CONUS intelligence operations of the late 1960s had their genesis in the civil disturbance contingency plans of 1963.

Newark and Detroit.—It is also clear that the Newark and Detroit riots of 1967, along with scores of lesser disturbances in other cities that summer, impelled the government to give the already existing apparatus for monitoring protest politics a massive allocation of resources. This also happened in the case of civilian police intelligence agencies. If the growth of the Army's contribution to this effort seems spectacular in retrospect, that is only because it had more resources immediately available.

Although Federal troops were deployed only once during the summer of 1967, the frequent deployment of State-directed National Guard units persuaded military officials that existing contingency plans would have to be revised and expanded. As part of that effort, a more complete listing of matters of intelligence interest (called "EEI" for "essential elements of information") was called for. Eventually this list was promulgated in a series of "collection plans."

Within the Office of the Assistant Chief of Staff for Intelligence, the Counterintelligence Analysis Branch (CIAB) was directed to pay more attention to domestic intelligence. Ralph M. Stein, one of the witnesses before this Subcommittee, was put in charge of a new "left-wing" desk. CIAB by then had converted its "North American" desk into a domestic intelligence section with "right-wing" and "racial" desks. At the initiative of Mr. William L. Parkinson, its Deputy Chief, CIAB also began research on the "Compendium"²⁸ and various civil disturbance "estimates of the situation."²⁹

Lower in the intelligence hierarchy both the Intelligence Command and the Continental Army Command undertook to expand their collection of information relating to civil disturbances. Both increased their demand for reports and laid plans to computerize their files. At the Intelligence Command a special mug book on persons suspected of fomenting civil disorders was assembled, in part by drawing on a similar publication of the Alabama Department of Public Safety. The first person on the first page of this identification manual was a senior assistant to the Rev. Martin Luther King of the Southern Christian Leadership Conference (SCLC).

The Continental Army Command and its constituent armies and installations simply expanded collection and reporting operations in

²³ An unclassified summary report on these papers prepared by Army investigators from the files of Maj. Gen. Ralph Van Deman is on file with the Subcommittee on Constitutional Rights.

²⁴ A copy of letter to Representative David R. Obey from David H. Jackson, dated Dec. 20, 1970.

²⁵ Letter from Walter B. Birdwell, dated Feb. 15, 1971.

²⁶ Hearings, p. 189.

²⁷ Hearings, p. 189. See also testimony of Curtis Graves, Hearings, p. 337.

²⁸ Hearings, p. 249.

²⁹ Hearings, p. 245.

existence since the outbreak of World War II. These included the standard spot reports, daily, weekly, and monthly intelligence summaries, and local intelligence studies. During the winter and spring of 1967-68, teams of military intelligence agents and police officers conducted reconnaissance of potential riot areas to collect maps and descriptive data for the city packets called for by the Vance report.

The March on the Pentagon.—The October 1967 antiwar March on the Pentagon also prompted increased military monitoring of planned demonstrations. Agents from every military intelligence group in the country rode the buses, trains, and planes to Washington.³⁰ Such covert operations were not unprecedented; in 1963 Army agents had infiltrated the March on Washington for Jobs and Freedom. The March on the Pentagon, however, was the first violent confrontation with the military in protest against the war in Vietnam. It was aimed at the military's headquarters, and thus activated not only the Army's concern about civil disorders, but its concern for the physical security of its chief installation, the future obedience of its personnel, and its image. The merger of these grounds for initiating surveillance, combined with heavy demands for information from high civilian and military officials, undoubtedly discouraged professional intelligence officers from questioning their organization's needs for personality and organizational data on civilian protesters.

As this brief history shows, the most significant upsurge on the Army's domestic intelligence operations occurred between September 1967 and March 1968. During this period—before the tragic riots that followed the assassination of the Rev. Martin Luther King—the Army laid its plans to expand and computerize many of its files on civilian political activity. Characterization of protesters and rioters as “the dissident forces” and the promulgation of collection plans which emphasized the probable role of agitators and subversives in fomenting dissatisfaction with government and the status quo marked the Army's approach.

The April 1968 riots.—The tragic riots that swept the Nation following the assassination of the Rev. Martin Luther King did little to change the Army's conspiracy theory of the causes of civil disorder. Despite the absence of any evidence to support the theory (including the Kerner Commission's review of the intelligence on 23 riots in 1967), these assumptions continued to stress the likelihood of skillful, behind-the-scenes leadership by Maoist and Trotskyite Communists financed and directed from abroad. What the King riots did was to expand radically official predictions of the scale of future civil disorders. Interpreting the riots as a trend, the Chairman of the Joint Chiefs of Staff, Gen. Harold K. Johnson, advised his civilian superiors that they should be prepared to deploy troops in as many as 25 cities simultaneously. At the same time, Cyrus Vance recommended on the basis of his experience in Detroit that the Army should never enter a ghetto with a force of less than 10,000 soldiers. The result of these two recommendations was the staggering estimate that the country needed 250,000

³⁰ Hearings, p. 185.

troops at the ready to quell civil disorders. This estimate (revised downward after General Johnson's retirement that summer) became the chief justification for a sharp increase in the number of military intelligence personnel assigned to collect and analyze civil disturbance information.

The decision to monitor.—It was about this time that the decision to engage in full-scale monitoring of domestic political activities was made. Because of the Defense Department's refusal to produce the witnesses or documents which shed light on this question, the subcommittee's conclusions are necessarily tentative. Lacking direct evidence, it must rely on partial information, interpolation of known facts, and certain documents disclosed in the press. Although there is considerable evidence that a number of high-level conferences were held to determine how the Federal Government should respond to riots and demonstrations, the subcommittee is still uncertain who directed military intelligence to collect such vast amounts of personality and organizational data.

Secretary of Defense Laird has maintained: “The military is sometimes blamed for this operation, but this operation was completely known to the highest [civilian] authorities within our Government.”³¹

Secretary Laird's allegation was seemingly supported in several news accounts. Richard Halloran of *The New York Times*, for example, reported that the surveillance program was planned at a series of high level White House meetings in 1967 and 1968.³² The principals at these meetings subsequently repudiated the roles attributed to them, however, and the subcommittee's examination of the memoranda produced in these meetings corroborates their disavowals.³³ Furthermore, the Department of Defense was not able to produce any documentary evidence to support Secretary Laird's contention. On the contrary, former Department officials, including Secretary of Defense Clifford and Under Secretary of the Army McGiffert, have denied the charge. They maintain that the decisions to collect and store detailed intelligence on civilians were made within the uniformed services and were not disclosed to the civilian leadership.³⁴ In addition, Mr. Froehlke, then Assistant Secretary of Defense (Administration), avoided any statement attributing direct responsibility to civilian officials. His testimony also is ambiguous on the matter of the knowledge of these activities, if any, at senior civilian levels.

The generals who reportedly ran the CONUS intelligence program and other high-ranking officers who had supervisory roles were not permitted by the Defense Department to testify before this subcommittee. In the absence of their testimony, it has been impossible for

³¹ Testimony before the Military Appropriations Subcommittee, House of Representatives, as reported by the *New York Times*, June 22, 1971, p. 15.

³² Hearings, p. 1782.

³³ Jared Stout, “LBJ Aides Deny Role in Army Snooping,” *Newhouse News Services*, Apr. 18, 1971.

³⁴ See also the denials of former Attorney General Ramsey Clark, former Deputy Attorney General Warren Christopher, and former White House aide Joseph A. Califano, *ibid.*, and *New York Times*, Apr. 19, 1971, *Washington Post*, Apr. 22, 1971. But see also “The FBI: Of Hoover and Clark,” *Time*, May 3, 1971, pp. 14-15, and Jared Stout, “Clark, others knew in 1968 of Army's list of rightists,” *The Evening News* (Harrisburg, Pa.), May 5, 1971.

the subcommittee to resolve the question of responsibility with finality. The evidence supports the hypothesis that the highest officials of the Departments of Defense and Justice were or should have been informed of the program. The extent of their knowledge of the scope and nature of the surveillance is an open question. One would assume that had the civilian leadership of either Department been as well informed as Secretary Laird suggests, it is unlikely they would have experienced such difficulty in obtaining answers to the subcommittee's questions. The uncontradicted testimony of Mr. Edward Sohler, a member of the Army task group which was appointed to answer Mr. Pyle's charges, was to the effect that subordinate intelligence personnel may have deliberately lied to their superiors.³⁵ Mr. Sohler's testimony is corroborated by Army General Counsel Jordan's testimony before this subcommittee in which he admitted that he had been misled concerning the existence of the Fort Holabird computer.³⁶

Whether misled or simply kept ignorant, the civilian authorities within the military, from what the subcommittee has been able to deduce, appear not to have directed the initiation of surveillance nor to have been aware of its sudden expansion in scope and nature which occurred in 1967-68.

In a real sense, however, the question of knowledge is irrelevant to the issue of responsibility. It is the manifest duty of civilian officials to know what their military subordinates are doing. Should these subordinates exceed authority, violate law, or engage in unconstitutional activities, their civilian superiors must nonetheless accept responsibility. The principle of civilian control is predicated on this, and it is the civilian officials no less than their errant military subordinates who must bear the burden of condemnation for the program.

Organizational initiatives.—Although the record remains incomplete, the subcommittee is persuaded that much of the surveillance resulted from the expansive view each echelon of military intelligence took of its civil disturbance role. This is not to say that military initiatives were not stimulated by the sometimes excessive demands of civilian officials for information, particularly during riots. Clearly, such pressures were applied. But the actual decisions to collect detailed information on specific individuals and organizations on the hypothesis that they might some day participate in, incite, or precipitate a riot appear to have been made by uniformed personnel without the permission of, and without notice to, their civilian superiors.

To take this responsibility upon themselves, officers of the various military intelligence units had to have substantial autonomy of decision and freedom from review. The following illustrative instances, reported in detail during the course of the subcommittee's investigation and hearings, indicate how broad the discretion of these officers was:

³⁵ Hearings, p. 279.

³⁶ Hearings, pp. 461-465. See also Jared Stout, "Army Spy Mystery Deepens," *Newhouse News Services*, Dec. 4, 1970.

1. Deployment of electronic intelligence units in Chicago without Secret Service permission or civilian authorization and in admitted violation of sec. 605 of the Federal Communications Act of 1934.

2. The employment of a top-secret regional electronic grid system to monitor citizens band radio frequencies. The broadcasts proved to be entirely innocent in nature.

3. The infiltration of a coalition of church youth groups and chapel meetings by the 5th MI Detachment in Colorado Springs, Colo.

4. The development of a nationwide and regional computer data bank on civilians by III Corps at Fort Hood without Department of the Army approval.

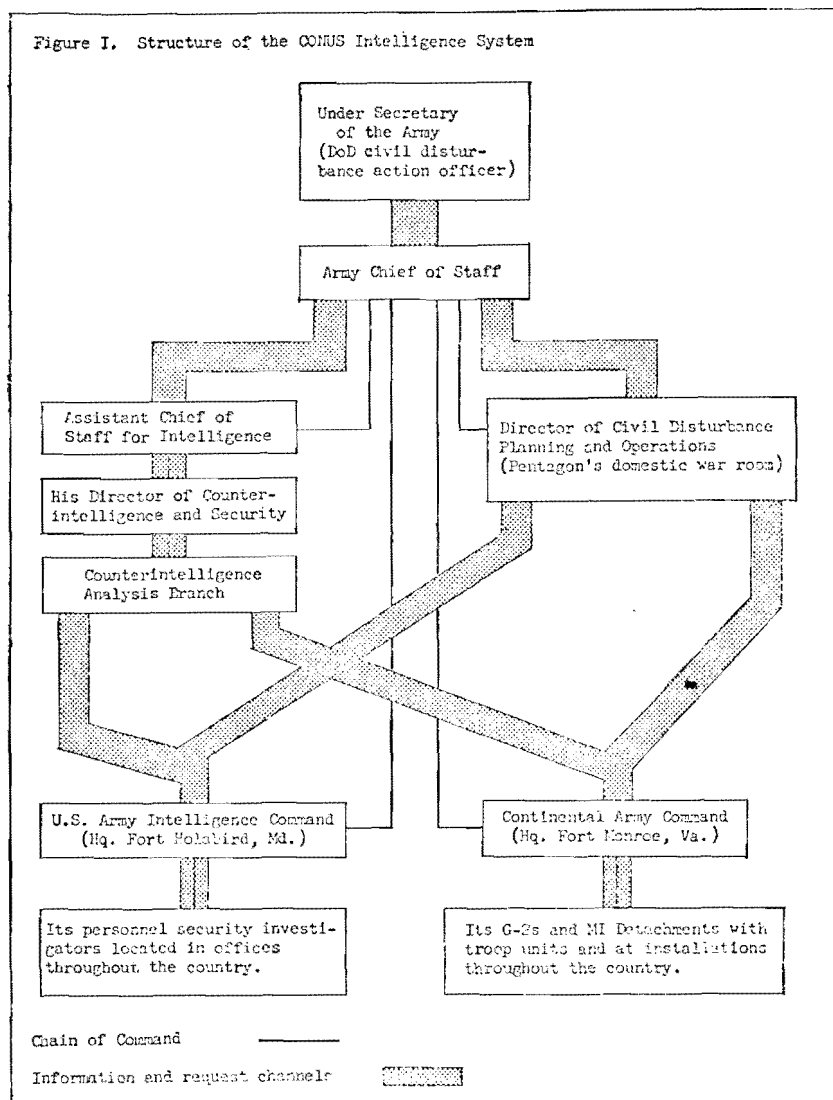
5. The maintenance of files on elected officials at various locations including Evanston, Ill., Fort Sam Houston, Tex., Fort Holabird, Md., and Washington, D.C.

6. The infiltration of the Poor Peoples Campaign by 109th, 111th, and 116th MI Groups.

Army Intelligence analysts, such as the Directorate for Civil Disturbance Planning and Operations (now the Directorate for Military Support), on its own initiative, issued broad, ambiguous guidelines calling for the more detailed information on "dissident forces," and the like. No direction of purpose was evidenced; the lack of centralized control was obvious.

ORGANIZATION FOR DOMESTIC INTELLIGENCE

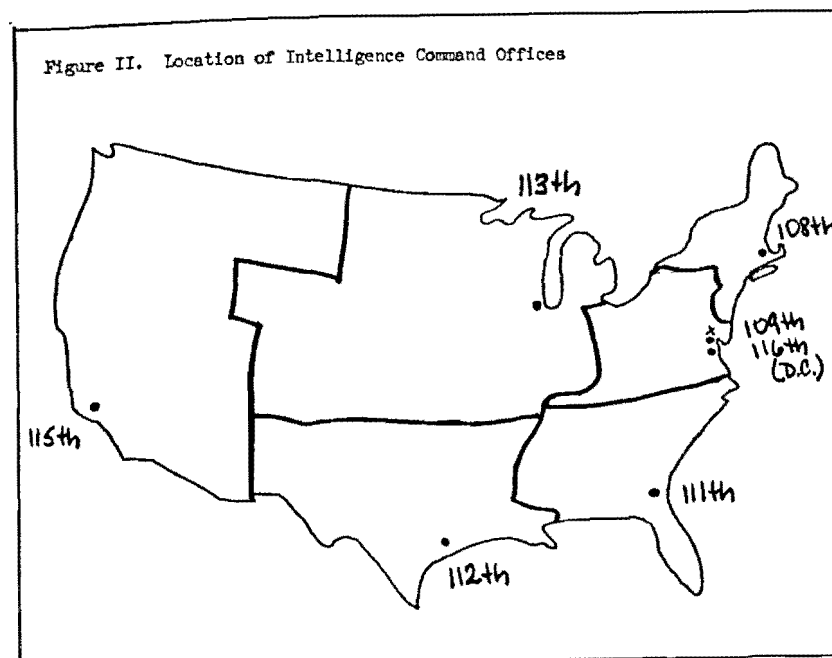
For the most part the Army relied on existing intelligence structures to carry out the CONUS intelligence mission. The principal collection agencies were the U.S. Army Intelligence Command (USAINTC) and the Continental Army Command (CONARC). The chief analysis unit was the Counterintelligence Analysis Branch (CIAB), a subunit of the Office of the Assistant Chief of Staff for Intelligence. The Directorate for Civil Disturbance Planning and Operations also produced its own analyses and computerized listings of future demonstrations. So did each collection agency. There is also some evidence that the Provost Marshal General and his Criminal Investigation Division participated in the collection and dissemination of CONUS intelligence to a limited extent. The basic structure, however, is represented by the following chart.



U.S. Army Intelligence Command (USAINTC).—From its creation in January 1965 the Army Intelligence Command was the Army's chief domestic intelligence collection agency. Its more than 300 offices spanned the continent and provided over 1,000 trained counterintelligence agents for the task.

As figure II indicates, the 48 continental United States (Alaska and Hawaii are regarded as overseas commands) were divided for counterintelligence purposes into six multi-state areas. Each was serviced by a Military Intelligence Group. The multi-state areas corresponded, with one exception, to Army areas. The exception was the first Army area which is serviced by two MI Groups, the 108th and 109th. The corre-

spondence of one MI Group to an Army area was historical. Prior to the creation of the Intelligence Command, the MI Groups (then called Intelligence Corps Groups) were assigned to the Continental Armies. Thus the 109th MI Group belonged to the Second Army before that command was merged with the First Army.



Each MI Group, with one exception, was organized into regions, field offices, and resident offices. The exception is the 116th MI Group, which covered the military district of Washington from its offices outside the gates of Fort Lesley J. McNair. Table I gives a numerical breakdown of the Intelligence Command's 304 stateside offices.

TABLE I.—OFFICES OF THE ARMY INTELLIGENCE COMMAND: A NUMERICAL BREAKDOWN

Unit	Group headquarters	Region headquarters	Field offices	Resident offices
108th MI group	1	4	20	10
109th MI group	1	4	20	28
111th MI group	1	4	17	35
112th MI group	1	5	13	24
113th MI group	1	4	13	44
115th MI group	1	5	18	29
116th MI group	1			
Total (304)	7	26	101	170

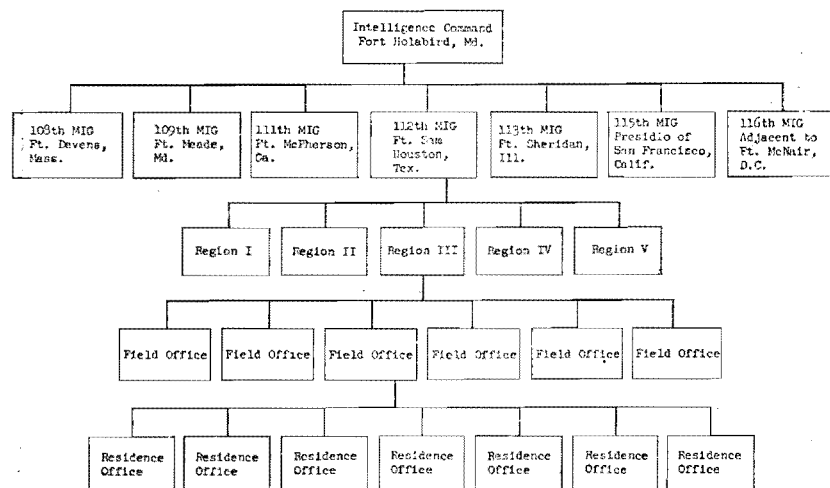
Source: Addendum to the testimony of Mr. Robert F. Froehke before the Subcommittee on Constitutional Rights, Mar. 2, 1971.

Figure III describes the command structure of the Intelligence Command. The group and region headquarters, for the most part, were command posts and administrative centers. They levied investigative

requirements, reviewed the reports of agents, and collated the results of investigations for forwarding to Fort Holabird. Until recently these headquarters also were charged with maintaining extensive intelligence files on individuals, organizations, and incidents unassociated with the Armed Forces.

Most of the investigative manpower of the Intelligence Command is located in field offices and resident offices. The only difference between a field office and a resident office was its size and the sensitivity of the records it might store. Resident offices rarely employed more than five agents and often were located in non-Federal buildings. Most resident offices were subordinated to field offices; however, in some cases, resident offices reported directly to their region headquarters. Each region office shared office space with one of its field offices. Most of the CONUS intelligence files were held at the region or group level.

Figure III. Intelligence Command Structure



In Alaska, the task of monitoring civilian political activity fell to the 667th MI Detachment, a unit of the U.S. Army, Alaska, located at Fort Richardson. In Hawaii, the monitoring was conducted by the 710th MI Detachment, a unit of the U.S. Army, Hawaii, located at Schofield Barracks.

Puerto Rico and the Virgin Islands were covered by the 771st MI Detachment. Unlike its counterparts in Alaska and Hawaii, the 771st belongs to the Intelligence Command and is subordinate to the 111th MI Group Commander at Fort McPherson, Ga.

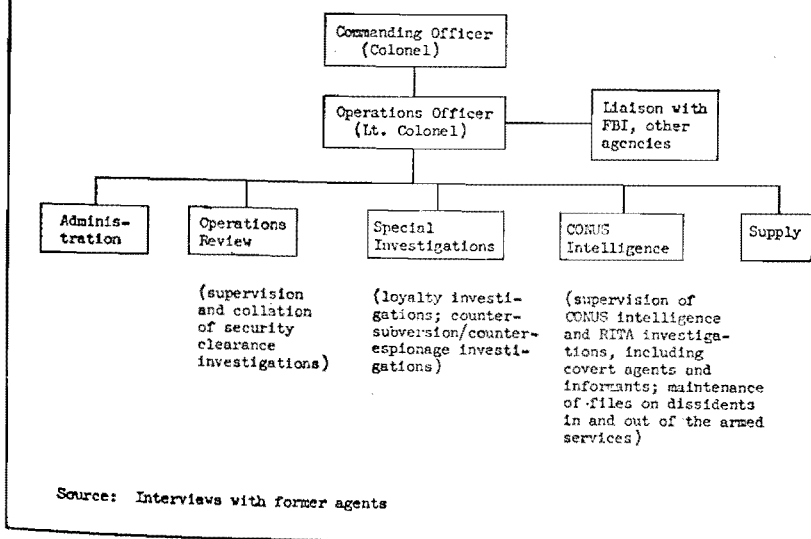
In addition to the seven regular MI groups with multistate jurisdictions, the Intelligence Command also directs the activities of the 920d MI Group headquartered at Fort Myer in Arlington, Va. The 920d, until recently under the command of the Assistant Chief of Staff for Intelligence, has a worldwide jurisdiction to carry out a variety of sensitive counterintelligence tasks. It did not regularly get involved in the pick-and-shovel work of personnel security investigations or CONUS intelligence. However, the subcommittee has received infor-

mation indicating that the 902d was involved in the covert penetration of civilian organizations within the United States and did assign videotape teams to monitor demonstrations in Washington, D.C. The intelligence analysts assigned to the Counterintelligence Analysis Branch also were carried on the 902d's payroll. In addition, a counterintelligence force from the 902d provides security for the Pentagon.

The basic structure of the Intelligence Command did not change to accommodate the massive growth of its CONUS intelligence duties. However, some structural modifications were implemented. Most important of these was the creation of the "Conus Intelligence Section, Operations IV" within the command's headquarters at Fort Holabird, Md., following the Newark riots of 1967. This office functioned as a command post, information clearinghouse, and data storage center. Its staff included one lieutenant colonel, one civilian (probably a GS-12 or 14), approximately four lieutenants, and a dozen WAC clerk-typists. They worked in shifts around the clock.

Similar CONUS intelligence sections were set up within the headquarters, region, and field offices of each MI group. At the 116th MI Group in the District of Columbia, for example, approximately 20 agents were taken off security clearance investigations and assigned to collect CONUS intelligence full time. This transfer involved approximately 20 percent of the unit's agents. A similar allocation of resources occurred within the 113th MI Group in the Chicago area. Figure IV shows how a typical region office was organized.

Figure IV. Organization of Region V, 113th MI Group, Minnea.-St. Paul, Minn. ca. 1969

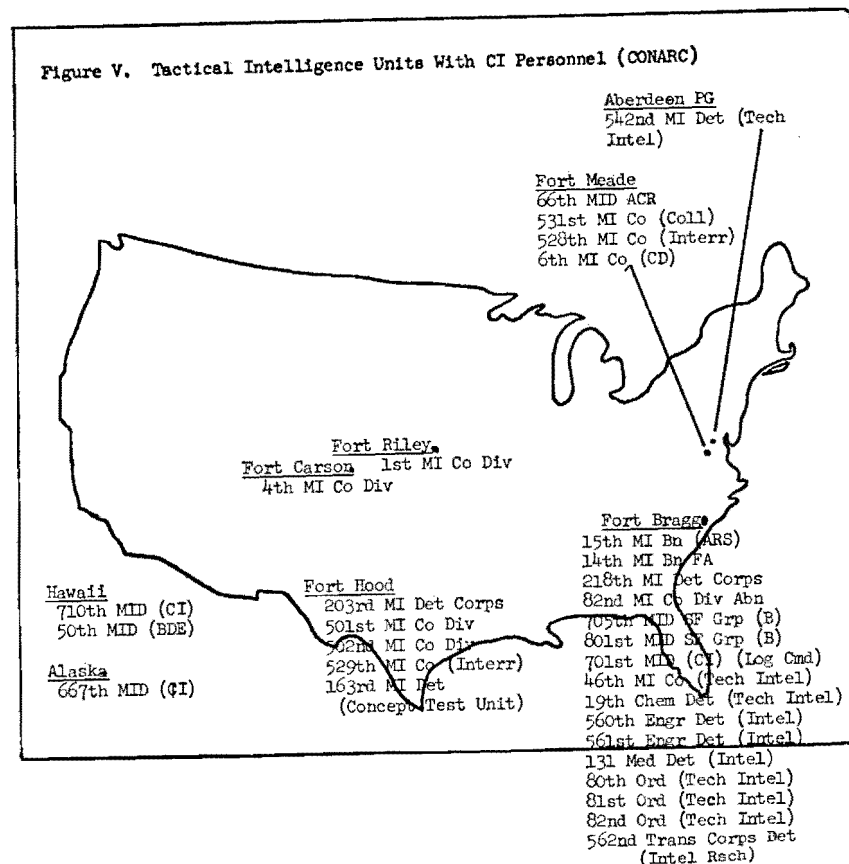


U.S. Continental Army Command (CONARC).—The Continental Army Command was the giant "holding company" which provided general supervision and coordination for most of the Army's stateside

units, its principal components were the five U.S. armies stationed in the United States and the Military District of Washington. Headquarters for this agency was Fort Monroe, near Hampton, Va.

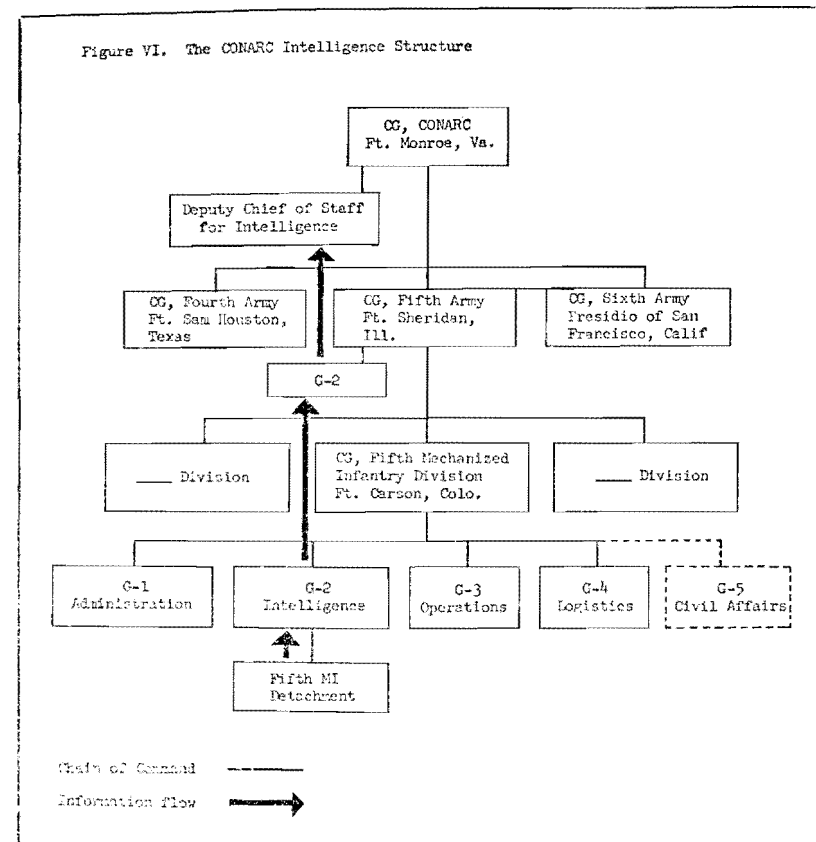
CONARC's chief preoccupation was the supervision and training of troops. In the event of an invasion, however, it would take charge of home defenses. In addition, CONARC was tasked with maintaining troop reserves in readiness for immediate deployment in crises overseas or at home. The actual task of selecting, moving, and prepositioning these forces was assigned to the U.S. Strike Command (USSTRIK-COM), a joint Army-Air Force operation headquartered at McDill Air Force Base, St. Petersburg, Fla. But CONARC, through the U.S. Army Forces Strike Command (ARSTRIKE), maintains the troops as part of its strategic reserve. To prepare them for riot duty, CONARC's Commanding General (who also heads ARSTRIKE) turned to his intelligence personnel, the G-2 offices of stateside troop units and the tactical intelligence units under their command, and directed them to step up their collection of domestic intelligence.

Figure V gives the designations and locations of most of the tactical intelligence units with counterintelligence personnel on which CONARC could have drawn.



Of those listed, the subcommittee has actual evidence of CONUS intelligence operations by only a few. These include the 5th, 203d, and 66th MI Detachments. However, the volume of information assembled at CONARC headquarters and the monthly publication by each CONARC army of a booklet-sized domestic intelligence summary strongly indicates that virtually all of the tactical counterintelligence units and the G-2's in charge of them were involved.³⁷

Figure VI presents a simplified organization chart of the CONARC intelligence structure.

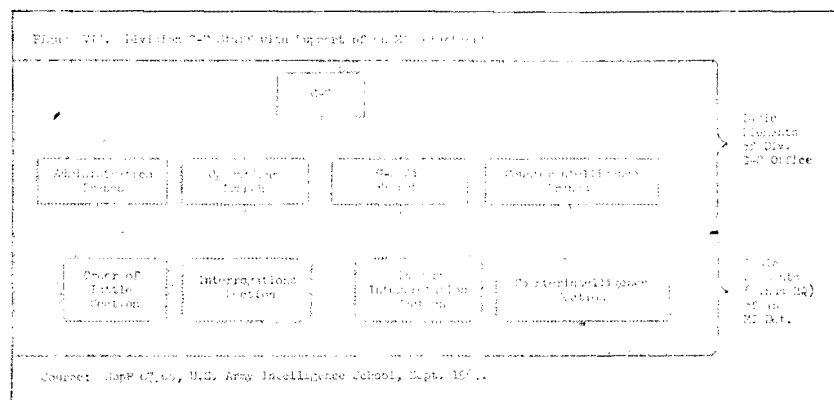


The chief collectors of CONUS intelligence within the Continental Army Command appear to have been counterintelligence agents assigned to MI detachments. The detachments in turn were attached to the G-2 staffs of division and corps commanders. These agents were, and remain, the "action army" counterparts of the specialized agents of the Army Intelligence Command. Their main job is to handle the internal personnel, document, and security problems of the division or corps to which they are attached. In garrison within the United

³⁷ "G-2" is the intelligence officer (and his staff) on the staff of a commanding general.

States, however, these duties do not necessarily require their undivided attention. Accordingly, the counterintelligence (CI) sections of the MI detachments were able to absorb the additional task of monitoring civilian political activity off post. In this role, they sometimes entered into direct competition with agents from the local office of the Intelligence Command.

Figure VII shows how the various elements of a tactical MI detachment are incorporated into a division G-2 office. The all-important unit for CONUS intelligence purposes was the CI section, which in practice merged with the G-2's CI branch.



The normal strength of a counterintelligence section is nine agents. However, according to the testimony of Laurence F. Lane, the CI section of the 5th MI Detachment at Fort Carson, Colo., "grew to over 30 men. The tactical responsibilities of the on-post counterintelligence operation were minimal while the section was extremely overstrength. The answer was to use these men to monitor the activists in the community."²⁸

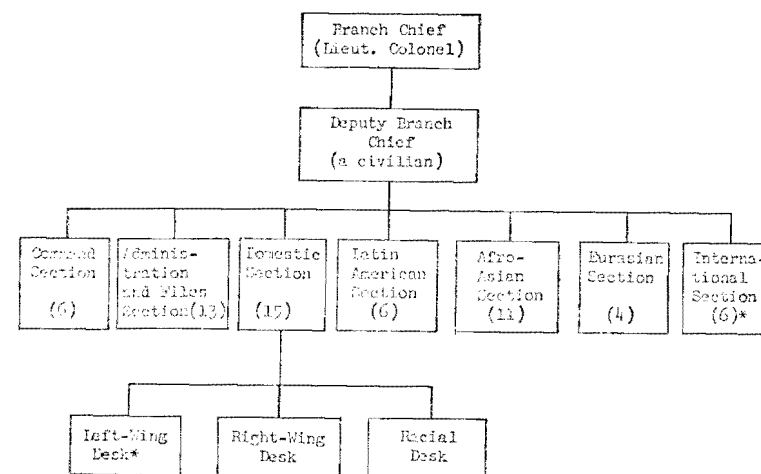
Counterintelligence Analysis Branch (CIAB).—Since the fall of 1967, if not earlier, the Counterintelligence Analysis Branch (now detachment) has functioned as the chief producer of CONUS intelligence analyses and predictions for the Pentagon. Through its briefings of high military and civilian officials, and its contributions to the Under Secretary of the Army's daily "Black Book" of intelligence items, CIAB has exercised a major influence on the course of civil disturbance decisionmaking.

As the chief analysis unit for the Army's Assistant Chief of Staff for Intelligence, CIAB's mandate is worldwide. The preparation of reports on domestic civil disorders apparently did not begin in any serious way until 1964 when the North American desk was created. Through subsequent reorganizations, this desk eventually evolved into a full-fledged domestic intelligence section with "left-wing," "right-wing," and "racial" desks. It is indicative of the ideology which some of its personnel brought to the analysis of domestic affairs that this section was sometimes called the "counterespionage/countersubversion

²⁸ Hearings, p. 329.

section." By the fall of 1968, the number of CIAB personnel assigned to monitor domestic disturbances and dissent exceeded that assigned to monitor matters of counterintelligence interest emanating from any other area of the world, including Southeast Asia. Figure VIII illustrates this point.

Figure VIII. Organization and Strength of the Counterintelligence Analysis Branch



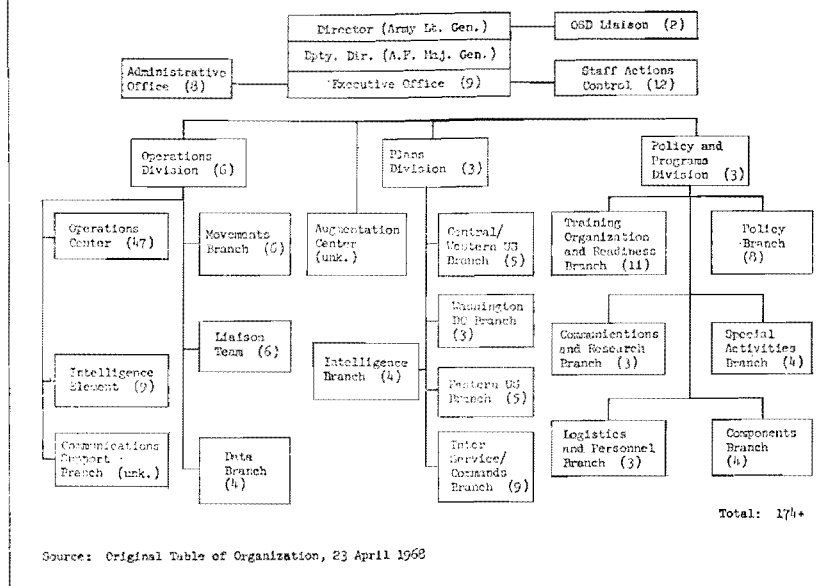
Source: CIAB Telephone List, ca. June 1968 and the recollections of former CIAB intelligence analysts.

*EFMA: Responsibilities shared by personnel in Left-Wing Desk and International Section.

Although organizationally part of the OACSI complex, CIAB was located throughout the late 1960's in various office buildings in northern Virginia. During major civil disorders, however, its domestic intelligence section moved into the Pentagon to augment the staff of the domestic "war room."

Directorate for Civil Disturbance Planning and Operations (DCDPO). During the Detroit riots of July 1967, the Army's domestic war room was a portion of the overcrowded Army Operations Center (ADC) on the second floor of the Pentagon. Following the April 1968 riots, plans were announced to create a special, 180-man command center capable of directing 25 10,000-man civil disturbance task forces simultaneously. The name of this new unit, organized early that summer, was the Directorate for Civil Disturbance Planning and Operations (DCDPO). [The name was changed in 1970 to the Directorate of Military Support (DOMS)]. Figure IX details its organization and size.

Figure IX. Organization and Strength of Directorate for Civil Disturbance Planning and Operations (DCDPO)



Establishment of such a large command made the creation of a separate domestic war room imperative. The site chosen was a cavernous basement storeroom beneath the Pentagon's mall parking lot. Early estimates for the cost of its construction, based on the prediction that the Army might have to fight in as many as 25 ghettos simultaneously, approached \$15 million. The lack of widespread racial rioting during the summer of 1968, however, persuaded the Army that it could economize. The result was a \$2.7 million war room which was paid for out of the Joint Chiefs' Contingency Fund, thus obviating the necessity of congressional approval.³⁹

The DCDPO was created in the spring of 1968; its new home was completed in July 1969. The war room's equipment includes extensive teletype networks to MI group emergency operations centers throughout the country, situation maps, closed circuit television, hot lines, an illuminated switchboard, and a computerized data processing center. Like the Intelligence Command's CONUS Intelligence Section, its "watch teams" operate around the clock.

In summary, USAINTC, CONARC, CIAB, and DCDPO were the main elements of the Army's CONUS intelligence system. Other participants included the Provost Marshal General's Office, the Army Security Agency, stateside support commands, overseas troop commands, the National Guard Bureau, the Navy, the Air Force, the Defense Intelligence Agency, and the Federal Bureau of Investigation.

The Justice Department.—At this point, a word should be said about the Justice Department's system for collecting civil disturbance intelligence, which in many ways the Army's operation duplicated.

The Department's chief collection agency is the Federal Bureau of Investigation which has approximately 500 offices and 8,300 agents throughout the country. The Bureau's civil disturbance operations are directed from Washington, D.C., by its Domestic Intelligence Division, which also directs its counter-espionage and counter-subversion efforts. According to testimony supplied by Robert C. Mardian, head of the Internal Security Division of the Justice Department, the Bureau's operations in this area are conducted on its own initiative, without routine supervision or review by the Attorney General or his assistants.⁴⁰

Until the spring of 1970, Army reports made a substantial contribution to the Justice Department's intelligence system. Other sources of information include the 94 U.S. attorneys, the Border Patrol, the Secret Service, and the Passport Office. The bulk of the information received by Justice Department analysts, however, comes from the FBI and the press.

The chief analytical unit in this system was the Interdivisional Intelligence Unit (IDIU) (now the Analysis and Evaluation Unit). Set up by Attorney General Clark in December 1967, as the Interdivisional Information Unit, its task was to convert unevaluated information into finished intelligence. Like the CIAB, its Army counterpart, the IDIU was called upon to produce summaries of past civil disorders, listings of expected demonstrations, predictions concerning the likelihood of violence, and reports on individuals and organizations thought to be involved.

According to former officials of the Clark administration, the focus of the IDIU in 1968 was on early warning incident reports and the activities of black militants who might incite riots. The Attorney General's memorandum directing this effort, however, appears to have been somewhat broader in purpose. As quoted by the *New York Times* of April 2, 1971, it stated: "To carry out these [civil disturbance] responsibilities, we must make full use of and constantly endeavor to increase and refine the intelligence available to us, both from internal and external sources concerning organizations and individuals throughout the country who may play a role in either instigating or spreading disorders or in preventing or checking them."⁴¹ Interest in black militants was expanded in the summer of 1968 to encompass members of the Students for a Democratic Society (SDS) and the Youth International Party (Yippies) who threatened violence at the Democratic National Convention in Chicago.

It should be noted that the collection was not restricted to events involving immediate dangerous activity or having a potential for violence. Instead, surveillance and data collection covered a wide spectrum of activity and information, including the most minor and innocuous behavior, as part of the process of obtaining complete dossiers on the individuals and organizations targeted.

Under Attorney General Mitchell's administration, the focus of the IDIU broadened still further. During the Clark administration the IDIU was a low-budget operation employing only three or four persons. By the spring of 1970, according to a report by Morton Kondracks of the *Chicago Sun Times*,⁴² it had acquired a budget of \$274,-

³⁹ Hearings, pp. 867-878.

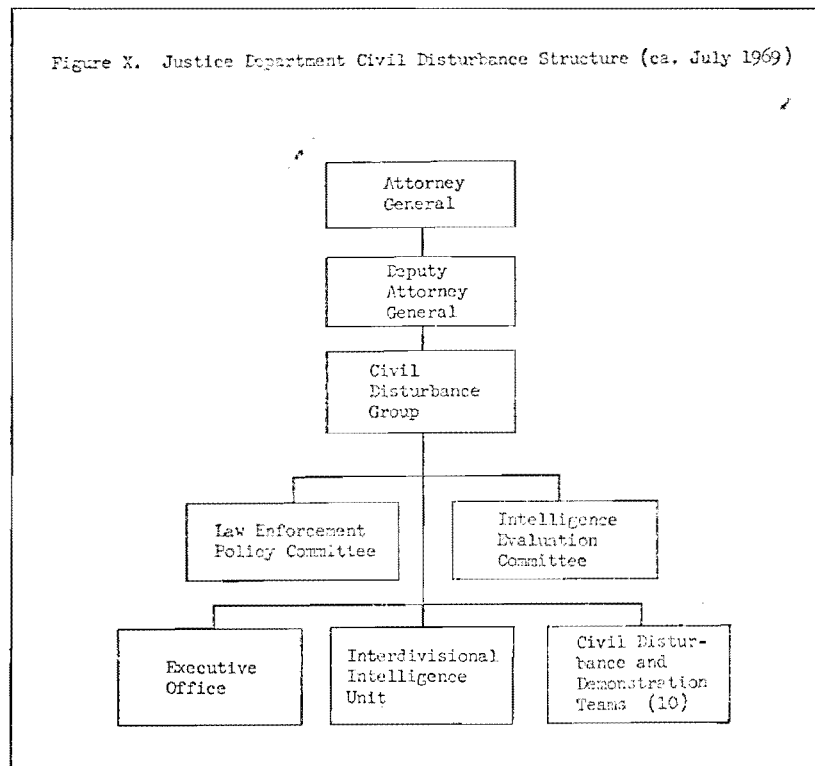
⁴⁰ James Reston, "Watching the Watchers," Apr. 2, 1971, p. 39.

⁴² "Army Has Closed Political Computer But Justice Department Maintains Bigger One," *Chicago Sun Times*, Mar. 9, 1970, p. 26.

000, 12 intelligence analysts, and a domestic war room. Some expansion undoubtedly could be expected. However, the large growth in this situation may well reflect changing conceptions of the IDIU's role. In 1968 the unit appears to have been principally an intelligence operation intended to pinpoint problems for various elements of the Justice Department hierarchy, including the Community Relations Service, the Civil Rights Division, civil disturbance teams, and permit negotiators. By 1970, its efforts appear to have included the development of evidence to support criminal prosecutions of the organizers of mass demonstrations. Witnesses from the Justice Department did not comment on this development, but James T. Devine, Chief of the IDIU until early 1971, is quoted as saying that the information available through the IDIU computer was used chiefly for deciding whether or not to prosecute participants in demonstrations. "He conceded," according to the reporter, "[that] the data was of practically no value as a barometer in assessing the chance of civil disorder in any given city, one of the purposes for which the unit was formed in 1967."⁴³

In the spring of 1969, in response to its civil disturbance role as defined by the new Interdepartmental Action Plan (see p. 86), the Justice Department's civil disturbance structure underwent change

Figure X. Justice Department Civil Disturbance Structure (ca. July 1969)



⁴³ Huntsville Times, Nov. 12, 1970.

and reorganization. The IDIU was retained as the domestic intelligence analysis unit within the Department, but was shifted from the Criminal Division to the supervision of the newly created Civil Disturbance Group, located within the Office of the Deputy Attorney General. Also established was an Executive Office, consisting of an Acting Chief of Staff and his executive assistant, who, along with the IDIU, carried out the departmental group's activities on a day-to-day basis. There was also provision for several contingency civil disturbance teams for deployment to critical areas as the need arose. Finally, two standing committees, whose purpose was to advise the Attorney General on civil disturbance matters, were created. These were the Intelligence Evaluation Committee, whose mission was to predict and monitor civil disturbances, and the Law Enforcement Policy Committee, whose function was to formulate policies to govern the use and deployment of Federal troops in civil disturbance situations.

Of particular note is the fact that membership on both of these standing committees included a representative of the Army. A representative of Army Intelligence was given a seat on the Intelligence Evaluation Committee, and the Army General Counsel served on the Law Enforcement Policy Committee.

The participation of the Army in the Justice Department's civil disturbance structure reflected not only the fact that the Army would be the agency called upon to suppress civil disturbance, but also the judgment that Army intelligence should remain an integral part of the civil disturbance intelligence effort. Military intelligence officers had, in fact, strongly resisted efforts of their civilian superiors to transfer all responsibility for collecting civil disturbance intelligence to the Justice Department. They argued that the Justice Department intelligence system was both unable and unwilling to collect the kinds of intelligence that the Army needed to carry out its functions. Instead, the superior resources of Army intelligence and the urgency of the situation were stressed. Perhaps the Army's position was simply a product of its desire to preserve a system and a program which had by this time become quite extensive. In any case, the excuse for the original military involvement—the superior Army resources and the urgency of the situation—became the rationale for continuing military intelligence operations despite the establishment of the Justice Department machinery.

In 1967 and 1968 the Army's arguments appear to have carried great weight at the Justice Department. At that time only about 40 of the FBI's 6,300 agents were Negroes. Military intelligence, with a large labor supply to draw on, could more readily produce black agents to infiltrate black organizations and protest activities. Age also was a factor. The younger Army agents could mix more easily with all kinds of protest groups than could their middle-aged Bureau counterparts.

Thus, however inappropriate the use of Army agents to watch political protests might have seemed, there was little resistance by the Justice Department to their continued participation. To the contrary, in the drafting of the civil disturbance action plan for presentation to the President (see page 86), the Justice Department jockeyed for some time to obtain an explicit statement by the Army of its responsibility for intelligence collection under the plan. But, met with the Army's re-

fusal, and given its own reluctance, to assume sole responsibility for intelligence gathering, it settled for a general statement that intelligence would be obtained from "whatever sources available," making no mention of the responsibility of either department. Later, when the Army program was disbanded, the Bureau is reported to have rejected the intelligence gathered by the Army because it was of poor quality and of no intelligence value, but this subsequent judgment was apparently not voiced when the decision was made to continue to incorporate the Army's intelligence into the FBI network in 1969.

THE COLLECTION PLANS

No evidence more conclusively establishes the sweep of the Army's surveillance than the documents which list the items of information Army agents were directed to collect. Three of these "collection plans" were examined by the subcommittee. The existence of numerous others has been reported to the subcommittee, but requests to the Defense Department for copies brought no response. The first is a brief intelligence annex to the revised civil disturbance contingency plan of December 1967. The second is the more detailed Department of the Army Civil Disturbance Information Collection Plan of May 2, 1968. The third and most comprehensive is the Intelligence Command's elaboration of the Army-wide plan of April 23, 1969. The plans reveal what the Army agents were told to collect and provide insight into why they were asked to collect it. (The collection plans are reprinted in the appendix.)

Annex B (Intelligence) to the DA Civil Disturbance Plan.—Every military battle plan has an intelligence annex which tries to explain what the conflict is about. Annex B, published on February 1, 1968, is one of the Army's earlier attempts to explain the origins of civil disorders and to define what information its commanders would need to do their jobs. It is an extraordinary document which reveals how thoroughly the Army misconceived the civil disorders of the late 1960's and its own role in them.

Part (a) attempts to explain the "general situation" as it existed in the wake of the ghetto riots of 1967 and the October "March on the Pentagon." The picture painted is one of a deteriorating society in which the populace would lend support to insurgents "should external subversive forces develop successful control of the situation." The implication is that Army intelligence possessed evidence that external subversive forces were seeking to control "the situation" and to promote "a situation of true insurgency."

To prepare task force commanders for duty during ghetto riots or violent mass demonstrations, the Annex goes on in Part 1b(1) to discuss two "dissident elements": the "civil rights movements" and the "anti-Vietnam/anti-draft movements." The "peace movement" is also listed under "Subversive Conspiratorial Aspects," but appears to be no more than a synonym for anti-Vietnam/antidraft movements. Under "civil rights movements", the discussion talks only of "civil disturbances." These are not defined. Nor are examples given which might guide a commander in distinguishing between such obviously different situations as (1) Little Rock in 1957 when federal troops were ordered out to enforce a Federal court order against defiance by state officials, (2) the 1963 March on Washington for Jobs and Free-

dom when Federal troops were alerted for possible duty if violence marred what was intended as a massive, nonviolent petition for redress of grievances, or (3) the Detroit ghetto riots of 1967 when Federal troops were called out to assist city and state authorities to quell spontaneous ghetto riots. Nor are the experiences of former task forces recounted. The emphasis is on unnamed dissident groups and their alleged susceptibility to control by "subversives." On the one hand the Annex states "There is no indication of directional control [of the civil rights movements] by any single organization * * * ." On the other hand: "Meaningful degrees of subversive influence and organized control are distinct future possibilities * * * ." No evidence is given to support either proposition. The task force commander is left confused but suspicious that the people he will encounter on the streets may be under subversive direction. Perhaps nothing better illustrates the lack of insight displayed by this intelligence assessment than the subtitles of the "Situation" section where the civil rights and antiwar movements are designated "Dissident Elements," and the peace and civil rights movements are discussed under the heading "Subversive Conspiratorial Aspects," but the Continental Army and the Intelligence Command are the only two components listed as "Friendly Forces."

Part 1b (2) also provides a relatively shallow analysis. It attempts to explain the motivation behind the Spring Mobilization Committee to End the War in Vietnam (SMC), the National Mobilization Committee to End the War in Vietnam (NMC), and the antiwar rallies sponsored by the former in San Francisco, New York, and other cities in 1966. The Annex reiterates the possibility of a Communist conspiracy, noting that "[v]ery strong support to the antiwar movement is also forthcoming from such 'left' groups as the Communist Party, USA (CPUSA), the CPUSA youth front group, the W. E. B. DuBois Clubs of America (DCA), the Students for a Democratic Society (SDS), Youth Against the War and Facism, the Progressive Labor Party and a veritable host of smaller organizations." What role, if any, these organizations had ever played in turning antiwar demonstrations into mass violence is not indicated. The fact that some of these events were the product of sincere beliefs on the part of hundreds of thousands of concerned citizens was overlooked.

In part 3a, the Annex again emphasizes the possibility of international conspiracies. "Although it cannot be substantiated that the antiwar and antidraft movements are acting in response to foreign direction, it must be pointed out that by their activities they are supporting the stated objectives of foreign elements which are detrimental to the United States." Where this conclusion came from and what guidance the task force commander was supposed to gain from it are not clear.

Similarly, the Annex notes the fact that "[m]any leaders of the antiwar and antidraft movement have traveled to foreign countries, including Cuba, East Europe, and North Vietnam to meet with Communist leaders. Therefore, the possibility exists that these individuals may be either heavily influenced or outright dominated by their foreign contacts." No evidence is given to support the contention, or to distinguish these individuals from other Americans, including high elected officials, who have made similar trips. This lack of differentiation between lawful expressions of dissent and foreign controlled "Fifth Column" activities characterizes the entire program. The Army

conclusion that dissent equals subversion and that all the social disruptions of the decade may be traced to an organized effort to destroy the country, encouraged if not directed from outside, was the premise of the civil disturbance program.

This "threat analysis" also helps to explain part 2 of the document, which lists items of information Army intelligence agents in CONARC and USAINTC should collect and report. The list is not comprehensive; it includes only those "essential elements of information (EEI)" considered priority items:

Plans, operations, deployment, tactics, techniques, and capabilities of individuals, groups, or organizations whose efforts are to reduce U.S. military capabilities through espionage, sabotage, subversion, treason, propaganda, and other disruptive operations.

Cause of civil disturbance and names of instigators and group participants.

Protests of the minority community relative to conditions in slum areas, such as defacto segregation in housing and schools, lack of jobs, lack of recreational facilities, police brutality, and overcharging of goods and services by local merchants.

Presence or participation in local activities by militant agitators.

Presence of known instigators of violence.

How this information was to be collected and what it was to be used for was left to the imagination of the collectors.

The Department of the Army Civil Disturbance Collection Plan.—Annex B to the civil disturbance plan, as discussed above, has the appearance of a hastily written document. The Army-wide civil disturbance collection plan of May 2, 1968, on the other hand, is better organized and more comprehensive. It begins by explaining that the items of information sought are needed "to avoid infringement on the responsibility and authority of civil Government agencies—to insure pervasive vigilance for the fundamental rights of citizens by the selective and enlightened use of force in restraint against those who are truly violating the rights of their fellow citizens." It then ignores this cautionary statement by calling on the Army to monitor virtually every aspect of civilian protest politics. As in the annex, the picture presented is that of a nation besieged by dissident and subversive groups.

For example, the request for information on dissident groups is particularly broad:

Purposes and Objectives of Dissident Groups.—

(1) *Overall purpose and objectives.*—Long-term and short-term objectives and relationship to problems of minority groups and the country. Estimates of plans and objectives; capabilities, resources to be employed.

(2) *Specific aims and roles.*—Coordination with other minority groups and dissident organizations. Support obtained from other agencies.

Dissident groups are not defined, nor is any distinction drawn between those with lawful objectives and plans and those which advocate or promote mass violence to achieve political ends. Subordinate commanders are left to supply their own definition of a dissident group.

The collection plan also calls for information on the "capabilities and vulnerabilities of dissident groups" including "evidence of strengths and weaknesses in terms of ability to create civil disturbance situations, to expand activities to meet emergencies, to enlarge potential for disturbance, and to maintain own internal security." The key term "civil disturbance" is not defined.

The Army's interest in the ability of dissident groups to maintain their own internal security indicates the intention to infiltrate them. The interest in their vulnerabilities suggests still more. According to its own doctrine, Army intelligence, like all intelligence agencies, determines the vulnerabilities of its adversaries in order to neutralize them. The subcommittee has sought without success to determine whether Army intelligence has in fact used offensive or aggressive counterintelligence operations against civilian groups within the United States in order to neutralize their capacity to promote civil disturbances. So far the evidence establishes (1) frequent petty harassment of protest groups by agents acting on their own to steal bus tickets, handbills, and petitions; (2) infiltrations of such groups as the Southern Christian Leadership Conference, the National Mobilization Committee, the Young Adults Project in Colorado, and the Black Studies program at New York University; and (3) the existence of several secret coded source operations by the names of Rook Castle, Rook Tower, and Royal Queen, the nature of which remain unknown despite subcommittee inquiries.

It has been suggested that the image Army intelligence had of civilian protest groups in the late 1960's was something of a mirror image of itself: hierarchically organized, disciplined, and secretive in regard to their activities.⁴⁴ This theory is supported by the phrasing of the requirement for information on the organization of dissident groups:

Organization of Dissident Groups.—

(1) *High command.*—Composition and structure of headquarters. Relationship to other agencies. Exact titles, location of other functions and responsibilities, lines of authority, organization charts, rosters of key personnel.

(2) *Subordinate elements.*—Administration, organization, functions, responsibilities, principal and alternate locations, strengths, facilities, lines of authority, organization and key personnel.

Whatever the source of this conceptualization, it is an inappropriate method of describing the antiwar and civil rights organizations watched in the course of this surveillance.

How fine the Army wove its dragnet can be seen in the following list of information sought on the membership of dissident groups:

(1) Number of active members: breakdown of membership by ethnic group, age, economic status, education, criminal record. Biographical data on key members.

(2) Potential for increasing membership. Numbers of persons, source of members.

(3) Women members. Age, position within group, authority, biographical data.

(4) Pay. What members receive pay? Are expenses reimbursed? Source of funds?

⁴⁴ Hearings, pp. 162-164.

Given the narrow role troops traditionally have played in quelling riots or protecting property or lives in the course of mass demonstrations, it is difficult to see why the Department of the Army would need such detailed information.

Sections of the DA Collection Plan dealing with information wanted on "activities preceding a planned civil disturbance" are equally broad and vague. No definition or examples are given of what constitutes a "planned civil disturbance." In practice it appears to have been any demonstration, march, or rally, regardless of purpose and irrespective of size. Information sought included:

- (1) Probable causes, objective, locations, and nature of disturbance.
- (2) Probable categories, and identification of persons and groups who will create or participate in disturbance.
- (3) Estimated number of persons who will be involved. As participants. As observers.
- (4) Probable assembly areas and routes. Methods of travel.
- (5) Leaders identity. Overt and behind-the-scenes.
- (6) Activities, organization, and other plans prepared by the leaders. (a) How will they exert control? (b) Will weapons be used? What type? Where, when, how?

The subcommittee has been unable to determine why this sort of information should have been collected by the U.S. Army. Items 1 through 6 may be of use to the Department of Justice and the Mayor of Washington, D.C., in preparing for mass marches of citizens on the Nation's Capital. Both the Justice Department and the Mayor may need to know enough about protest organizers to ascertain whether they can be trusted to lead their followers and keep their word. However, this subcommittee knows of no justification why Army Intelligence should collect, or even be privy to, such information. In the event of civil disturbance, task force commanders do not negotiate on behalf of civil authorities, nor do they decide where and how their forces will be deployed. These decisions are made by civil authorities. If there was ever a need for such information by the military, it could be obtained in advance from authorized federal or local authorities. Certainly the Army's collection of data on personalities was based on a misconception of its role.

The DA Plan also includes a special requirement for reports on the "[i]dentity of newspapers, radio, or television stations, and prominent persons who are friendly with the leaders of the disturbance and are sympathetic with their plans." This requirement contradicts the Army's assertion that reports mentioning speeches by senators and other elected officials in intelligence were merely incidental to running the civil disturbance early warning system. On the other hand this subcommittee is in possession of only scattered evidence proving that Army intelligence sought to keep files on either the media or elected officials. Whether such files would have been created in time can only be imagined. The existence of such a requirement, however, again demonstrates how insensitive Army commanders were to the rights of citizens and the limits of their own authority.

The Army civil disturbance collection plan, like Annex B, gives priority to "evidence of subversion." The term "subversion," is never defined. It appears to include attempts by "subversive" organizations "to penetrate and control civil rights or militant organizations composed primarily of non-whites." To a layman, this emphasis on in-

filtration might suggest that "subversive" refers to the activities of foreign intelligence agencies or domestic groups that seek to overthrow the existing constitutional system and substitute one of their own design. The Army's view, however, seems to have been broader. Elsewhere under "evidence of subversion" there is a request for "[i]ndications of movement into extremist, integrationist, and segregationist groups by the . . . American Nazi Party, Nation of Islam, Knights of the Ku Klux Klan, and the Progressive Labor Movement. Another request calls for information on the "[a]ims and activities of groups attempting to create, prolong, or aggravate racial tensions." This suggests that the Army regarded any group that attempted to "aggravate" racial tensions as subversive, in addition to whatever else it might be. Still more extraordinary, the Plan cites the NAACP, the Congress of Racial Equality, and the Southern Christian Leadership Conference as examples of this kind of "subversive" organization. Apparently the Army concluded that because litigation, sit-ins, voter registration drives, and mass rallies on behalf of Negroes can aggravate racial tensions, they are *ipso facto* "subversive" activity and a proper subject for priority surveillance by Army agents.

Appendix C, which assigns priorities to the items of information requested, simply lumps dissident and subversive groups together. Accordingly, agents in the field are left to conclude that (1) there is really no distinction between the two categories or, (2) if there is, the distinction makes no difference because both pose an equal threat to the security of the Republic. The Army lumped together peaceful protest, speeches, litigation, non-violent demonstrations, misdemeanor arrests, felony charges, and convicted foreign espionage agents.

Appendix C also calls upon Army agents to determine the "vulnerabilities of local and state governments to penetration, internal subversion and overthrow or other illegal means by subversive/dissident groups. . . ."

USAINTC information collection plan

The former intelligence agents who testified before this Subcommittee believed that the CONUS intelligence program, once set in motion, was infected by the familiar disease of bureaucratic aggrandisement. The Intelligence Command's Information Collection Plan of April 23, 1969, supports this view. It went far beyond even the expansive conception of the civil disturbance mission reflected in Annex B or the Department of the Army plan. But large portions of the Department of the Army plan are adopted verbatim; most key terms also lack definitions and the plan seems premised on the same assumptions. The NAACP and CORE remain accused of attempting to create, promote, prolong, or aggravate racial tensions. Conspiracies still appear to lie behind civil disorders, and the control of domestic policies by foreign agencies remains a central premise. Portions unique to the USAINTC Plan stress "Anti-War/Anti-Draft Activities, Militant Organizations, Extremists in the Armed Forces, Demonstrations, Rallies, Parades, Marches, Conventions, Conferences, Picketing Activities, Strikes, and Labor Disturbances." Again, collection requirements are expressed in language that is excessively broad and vague.

For example, items listed under "Anti-War/Anti-Draft Activities" include:

a. Full identifying data on individuals/groups who are engaged in such anti-war activities.

* * * * *

c. Type of instruction or printed guidance being given on how to register as a conscientious objector.

d. Identification or registrants who have received instructions and sources of such instruction on how to avoid the draft or delay induction.

e. Collection of leaflets, booklets, fly sheets, etc., which provide instructions on how to avoid or delay induction.

f. Identification of the personalities and organizations engaged in the publication and distribution of documents referred to in para e, above.

g. Establish the relationship of individuals/groups engaged in activities described in para a thru f above with cited organizations or suspected/confirmed subversive organizations.

h. Activities of Army personnel within organizations where actual or potential aims and purposes may be inimical to the best interests of the United States.

i. Hostile activities which are perpetrated at or near military installations.

j. The activities of US Army members connected with or alleged to be connected with cited and extremist organizations are of continuing interest in CONUS intelligence. Reportable CONUS intelligence includes information concerning Army members in connection with any of the following:

* * * * *

(3) Minority, racist, terrorist, left-wing, right-wing, and/or other dissident organizations of possible future intelligence interest which may be potentially detrimental to national defense or public order, even though not cited by the Attorney General.

Thus agents in the field were left to decide which organizations entertained, or might entertain, aims that could be detrimental to what they regarded as the national defense, public order, or the best interests of the United States.

The same dragnet approach was applied to information pertaining to "militant organizations." The term is undefined. Information on non-militant groups is requested where those groups (e.g. "civil rights, militant black power groups, and leftist organizations") join militant organizations in sponsoring "demonstrations, rallies, or other disturbances. . . . Reporting should include all available information concerning relations with other extremist groups in all forms of activity, to include planning seminars, discussion group meetings, joint statements to the press and other efforts designed to afford closer coordination among these groups. . . . Reports [on training] should include, insofar as possible, a breakdown of the topics involved with instruction and a brief description of the subject matter discussed."

Under the category "Extremists in the Armed Forces," servicemen are subject to being reported if they "[m]ake statements which indicate that they favor violence, if necessary, for Negro attainment of their goals." No distinctions are drawn between those who engage in abstract discussions of remote contingencies and those who advocate immediate participation in criminal acts. Once a soldier is thought to be an "extremist," identifying data is collected on him, including his home of record, the day he gets out of the service, and his destination on departure. The fact that the Plan singled out these three items for a special listing suggests that the Army intended to alert civilian law enforcement authorities to the suspect's homecoming. If this is true, one may speculate that many former black soldiers who expressed

frustration at racial discrimination while in the service may have been improperly identified to authorities in their own communities.

Perhaps the most sweeping category of all is the one entitled "Demonstrations, Rallies, Marches, Conventions, Conferences, and Picketing Activities." Item (a) calls for "Identification by name of extreme right wing and/or left wing dissident organizations expected to participate in scheduled or anticipated demonstration, and number of participants each can be expected to mobilize for protest activities." Reporting thus was not limited to those few demonstrations so large that they threatened to strain local police resources, required the National Guard, or otherwise merited inclusion in a comprehensive early warning report. On the contrary, item b calls for "Details concerning specific types of protest activities expected to occur, to include demonstrations, counter-demonstrations, rallies, sit-ins, picketing, and other forms of either *non-violent* or violent protestations, such as bomb threats within the protest area." [Emphasis added.]

Item (e) directs "Identification of all personalities involved, or expected to become involved in protest activities, to include leaders or 'activists' of local dissident groups and leaders, representatives, or speakers of national or regional organizations." These provisions thus suggest that the reports on members of Congress and other elected officials were no accident.

Item (f) calls for "Details concerning transportation arrangements made by, or on behalf of, visiting, non-local demonstrators during or prior to the convention to include chartering of and reservations for buses, trains, planes, and private automobiles." The same assignment also was given to the FBI. As the result of one such investigation, the Defense Department has been taken to court, charged with unlawfully detaining a busload of law-abiding demonstrators for about an hour.⁴⁵

The Army also wanted to know where visiting demonstrators would be staying. Item (g) seeks "Details concerning housing facilities, offices, or bases of operations to be used by visiting demonstrators or groups, to include non-commercial facilities, such as churches and private homes." Why such information was sought has never been explained.

The emphasis throughout the document is not on information about crowds that might be useful to troops charged with clearing streets and enforcing curfews. The emphasis is on identifying individuals and organizations. For example, the special instructions to agents state:

c. Extensive photo coverage of the civil disturbance activity in this plan is desired and will include photos of known or suspected leaders or members of any white or non-white dissident/militant group, organization, or element. In all cases full identifying data concerning personalities, elements or activities depicted in the photograph will appear on the reverse side of the photo. Also, the date, time, location and identity of the source of the photo will be included.

Finally, the Intelligence Command's Information Collection Plan concludes with a "partial list of organizations . . . of intelligence interest." Some of these groups are listed in Table II.

⁴⁵ *People Against Racism v. Laird*, D.C. D.C., Civil Action No. 3565-69, filed Dec. 17, 1969.

TABLE II.—*Organizations of intelligence interest to Army Intelligence Command (USAINTC)*

Organization:	USAINTC Dossier No.
American Friends Service Committee (AFSC)-----	ZB-00-02-00
Americans for Democratic Action (ADA)-----	ZA-00-17-81
Congress of Racial Equality (CORE)-----	ZB-00-14-77
Clergy and Laymen Concerned About Vietnam (CLCAV)-----	ZB-50-05-27
Institute for the Study of Non-Violence (ISNV)-----	ZB-50-03-86
Interfaith Peace Mission (IPM)-----	ZB-50-10-64
National Association for the Advancement of Colored People (NAACP)-----	ZA-00-04-02
National Committee for a Sane Nuclear Policy (SANE)-----	ZA-00-90-26
National Mobilization Committee To End the War in Vietnam (NMCEWV)-----	ZA-02-11-81
Southern Christian Leadership Conference (SCLC)-----	ZB-00-87-94
Veterans and Reservists To End the War in Vietnam (VREWV)-----	ZA-02-17-70
Veterans for Peace in Vietnam (VPV)-----	ZB-02-18-03
Women Strike for Peace (WSP)-----	ZB-01-36-95

Source: USAINTC Information Collection Plan, Apr. 23, 1969.

Why these groups and not others were singled out for Army surveillance is not explained anywhere in the document.

Significance of the collection plans

These three documents are important for at least four reasons. First, they demonstrate the uninhibited sweep of the Army's interest in matters of legitimate political dissent. No distinction was made between those who advocate or practice violence and those who do not. No effort was made to limit the surveillance to massive demonstrations or serious racial incidents requiring the deployment of police reserves. No concern was given to the practical needs of task force commanders as evidenced by after-action reports submitted by Army and National Guard units. On the contrary, any organization or individual that exercised the constitutional right to criticize the established order automatically was marked for monitoring.

Second, the documents demonstrate how badly the Army misconstrued the purposes of its own surveillance. The extensive facts it collected about numerous civil rights and anti-war organizations appear not to have put to rest the Army's concern and preoccupation with Communist-style conspiracies. Undefined terms such as "civil disturbance," "subversive," "militant," "dissident," and "extremist" are made to substitute for careful analysis, while the statutory and historical bases for the civil disturbance mission appear to have been ignored altogether.

Third, the documents reveal how thoroughly the Army misconceived its own intelligence needs. The main job of riot troops has always been to clear streets of mobs, protect property, and enforce curfews. The Army's riot manuals have always emphasized the "clear and hold" mission and deemphasized the possibility that troops may on occasion have to detain persons who violate the law in their presence for arrest and trial by civil authorities. Army intelligence, however, appears to have gotten the assignment backwards. Its collection plans stress the need for information that could only be used to identify dissenters, and neglect the need for tactical information on the weather, the terrain, and the location of rioting mobs. There is nowhere in these documents a requirement that Army agents report road construction,

detours, and other obstructions which might impede the efficient deployment of troops. The task force commander, whom these requirements were supposed to help, is the forgotten man.

Finally, it is disturbing to realize that these documents could circulate so widely within the Executive Branch without provoking any apparent protest. The Department of the Army Collection Plan, for example, was sent to at least 319 offices throughout the federal government. Copies went to the National Security Council, the Foreign Intelligence Advisory Board, the U.S. Intelligence Board, the Central Intelligence Agency, the Community Relations Service, the Civil Rights Division of the Justice Department, the Assistant Secretary of Defense (Installations and Logistics), the Defense Department's Director of Security Policy, the Secretary of the Army, and the Army's Judge Advocate. Copies also went to the Adjutant Generals of the 50 States. But so far as this subcommittee can tell, none of the thousands of uniformed and civilian personnel who must have seen the plan questioned the impact which such a far-reaching surveillance could have on civil-military relations, the liberties of citizens, or the health of the body politic. Whether they were intimidated by the documents' "CONFIDENTIAL" stamp, unwilling to question another agency's practices, or oblivious to the dangers posed, we do not know. We do know that a free society demands greater vigilance than these men have shown.

COLLECTION ACTIVITIES

While the Intelligence Annex and collection plans prove what the Army ordered, they do not establish what surveillance actually occurred. For evidence of the character of CONUS intelligence operations in the field, the subcommittee has relied on the first-hand recollections of scores of former agents, on an analysis of the various data banks and computer print-outs made available to it by the Defense Department, and, in a few instances, on other documents in its possession. Except for this documentary material, most of the evidence has been substantiated in testimony either before this subcommittee or under oath in federal court. Much of it has also appeared in the press.

Collection methods in practice

The Army obtained much of its information about civilian politics without resort to covert means. Former agents and analysts agree that liaison with municipal, state and campus police, and the Federal Bureau of Investigation provided the bulk of the information used in reports on individuals and organizations. As Appendix D to the Department of the Army Collection Plan indicates, scores of agencies were called upon for assistance. Data banks maintained by the Justice Department (IDIU), the Secret Service, and the Civil Service Commission all were open to Army investigators, or the Army received the same reports that fed these data banks. According to one witness, the Intelligence Command also made inquiries concerning the possibility of tying into the computerized state criminal records system assembled by "Project SEARCH."⁴

In addition, Army intelligence units culled hundreds of national, community, campus, and "underground" newspapers and magazines, as well as the major wire services, for information on incidents, plan-

⁴ Hearings, p. 1141.

ned demonstrations, personalities, and organizations. In some instances, subscriptions were taken out under aliases with "mail drop" addresses. CIAB, for example, subscribed to SANE's publications in the name of "R. Allen Lee Associates, Box 922, Alexandria, Virginia 22333."

Army agents also frequently monitored local police and FBI radio net—A.S.A. units were specially assigned to intercept citizens band broadcasts. Aerial reconnaissance was used for crowd counts for most mass marches on Washington, sometimes with live television coverage shot from helicopters and transmitted via closed circuits to the Pentagon.

The staff analysis of the data bank documents further confirmed the various sources the Army relied upon.⁴⁷ A review of the CRIS reports prepared by CONARC at the Fort Monroe computer, for example, disclosed the following breakdown for the period January 1969 to February 1970:

Source of reports:	Percentage of reports
Army Intelligence Command.....	30
Municipal police departments.....	27
Federal Bureau of Investigation.....	21
CONARC and other stateside military units and sources.....	10
News media.....	5
Campus police.....	3
State police.....	1
National Guard.....	1
School authorities.....	1
County authorities.....	1
Federal agencies (other than FBI).....	1
City government.....	1
Office of Naval Intelligence.....	1
Office of Special Investigations (Air Force).....	1
Courts.....	1
Miscellaneous.....	1
Unknown.....	1

Direct agent observation of demonstrations, rallies, and marches furnished thousands of reports for the early warning system. In most instances, agents simply watched the proceedings as any participant or spectator would.

An undetermined fraction of its information was obtained from covert operations where identities and affiliations of the agents were deliberately concealed through the use of bogus identification, cover stories, or other deceptions. A number of these operations have come to the subcommittee's attention. Our investigation has confirmed that Army agents—

Infiltrated civilian organizations, such as the Southern Christian Leadership Conference and the National Mobilization Committee, which have no connection whatever with the Armed Forces.

Sat among delegates on the floor of the 1968 Democratic National Convention.

Operated on the floor of the 1968 Republican National Convention.

Posed as press photographers and newsmen, sometimes with bogus press credentials. One set of credentials used by the agents

of the 116th MI Group in Washington, D.C., was made out in the name of Francis T. Naughton, *Richmond Times Dispatch*. (Most units have their own "Leroy Kits" that enable them to forge various kinds of common identification, such as state driver's licenses.)

Infiltrated the 1968 Poor Peoples Campaign and Resurrection City.

Rode the buses and trains that carried demonstrators to the 1967 March on the Pentagon.

Infiltrated a Yippie commune on DuPont Circle, Washington, D.C. during the 1969 Counter-Inaugural. The use of marijuana and liquor at government expense was authorized for this operation.⁴⁸

Posed as students to monitor classes in the Black Studies program at New York University during the summer or fall of 1968. The instructor was James Farmer, former head of CORE and more recently an HEW official.

Were arrested at Howard University in 1969 by District of Columbia police while participating in a rock-throwing crowd.

Posed as television newsmen interviewing demonstrators in Atlanta, Chicago, Washington, D.C., and Catonsville, Md.

Infiltrated the Colorado Springs Young Adults Project (a coalition of church youth groups which operated a recreational center for emotionally disturbed young people), monitored an anti-war vigil in the Chapel of Colorado State College, maintained two full-time infiltrators in the local peace movement, and sent plainclothes agents to attend meetings of the Colorado Springs poverty board.

Conducted vehicular and foot surveillance of the Revs. Jesse Jackson and Ralph Abernathy at the time of the Democratic National Convention of 1968.

Shadowed Governor Maddox and his Georgia delegation to the same convention.

Without revealing the details of any prescribed *modus operandi*, these examples suggest ways in which Army intelligence conducted its domestic intelligence operations. Other examples can be found in the prepared statements of former intelligence agents who testified before this subcommittee.

Methods authorized. The extent to which covert operations were actually authorized by the Department of the Army and the commanding generals of both collection agencies is not altogether clear. Mr. Froehke testified that an "all encompassing and uninhibited demand for information" had been "directed at the Department of the Army" by civilian officials.⁴⁹ But he also reported that "the records reveal that little, if any, direction and guidance was provided to the military services from the White House or the Department of the Army in written form."⁵⁰ Thus, according to present Defense Department officials, their predecessors demanded reams of information from Army intelligence, but did not question how that information would

⁴⁸ Hearings, p. 185.

⁴⁹ Hearings, p. 384.

⁵⁰ Hearings, p. 385.

⁴⁷ Subcommittee on Constitutional Rights, *Army Surveillance of Civilians: A Documentary Analysis*, 1972, p. 66.

be collected. This view is confirmed by several former intelligence analysts at CIAB who answered those requests.

Former analysts also report that the information they received from the field was "sanitized" before it was passed on to the Under Secretary and the General Counsel. In this way the sources were concealed and Army General Counsel Jordan could later say: "The material could have been coming from the AP or UPI tickers. It wasn't anything that had to be dug out by a shovel or investigative means. We weren't concerned about the sources."⁵¹

In the same interview, Mr. Jordan confirmed that military commanders had been allowed by civilian officials to decide what to collect, who to watch, and how to report. He did not question their methods. "In retrospect," he added, "we may have been derelict. But this is a busy place where you deal with the problems before you. It wasn't a problem then."⁵²

Annex B, written by the military, placed no restrictions whatever on the means of collection. "Information required to accomplish the mission of the Chief of Staff, US Army, will be obtained through all resources available to the commanders, to include intelligence reports, estimates, studies, and special studies prepared by the commands."

A few months later on May 2, 1968 the Department of the Army Collection Plan partially modified this directive. It cautioned: "USAINTC personnel will not engage in covert operations pertinent to civil disturbances without prior approval and direction of this Headquarters." No similar restraint was placed on the Continental Army Command, and despite this restriction, covert operations by USAINTC units continued.

On February 5, 1969, Under Secretary of the Army McGiffert, prompted by disclosures of covert operation (see p. 84), promulgated a memorandum declaring that all "covert and clandestine collection operations are prohibited unless in accordance with AR 381-115 (the Delimitations Agreement of 1949 by which the Army conceded the FBI's exclusive authority to investigate civilians), approved by the Federal Bureau of Investigation, and approved in advance in each specific case by the Under Secretary of the Army."

Thaddeus Beal, Mr. McGiffert's successor, retained the prohibition against covert operations when he modified the McGiffert memorandum on April 24, 1969. However, his later order left a large loophole by allowing the Vice Chief of Staff to initiate covert operations "at your discretion" if the Under Secretary and his delegates were not available. Army spokesmen have stated that no requests for authority to conduct covert operations were received after promulgation of the McGiffert memorandum. Whether they were actually notified about any undertaken at the Vice Chief of Staff's discretion is not clear. What is certain is that covert operations continued throughout the summer and fall of 1969.

The Intelligence Command's Collection Plan, published April 23, 1969, adopts verbatim nearly all of the provisions of the Army-wide plan of the previous year. However, it does not adopt the restrictions of either the Army-wide plan or the McGiffert memorandum (the Beal memorandum was issued on April 24) in regard to covert opera-

tions. Its prohibition reads: "Development of covert intelligence collection sources to satisfy the requirements of this lead sheet is prohibited unless specifically authorized by the Commanding General, this Command." There is no requirement of approval by the FBI or Under Secretary of the Army. Furthermore, the phrase "covert intelligence collection sources" actually suggests the use of secret informants. It does not appear to have forbidden the use of regular Army agents to infiltrate meetings, demonstrations, or rallies. Certainly, undercover agents were later to be employed during the November 1969 Moratorium and the May 1970 Kent State-Cambodia protests. Thus it would appear that the Intelligence Command skirted the explicit prohibitions of the McGiffert memorandum issued by the Department of the Army.

Meanwhile, units of the Continental Army Command were conducting covert operations within the civilian community wholly on their own authority. This was testified to by two former members of the 5th Military Intelligence Detachment at Fort Carson, Col.,⁵³ and implicitly confirmed by Mr. Froehlke. He testified:⁵⁴

"* * * in some instances, tactical intelligence units assigned to combat forces stationed in the United States engaged in information collection activities in the civilian community. While a few such units were so engaged, it appears that these units were less constrained in their methods of collection than were the investigative and related counterintelligence organizations. Civilian control or even knowledge of these few activities did not exist."

In the course of this controversy, much energy has been expended in attempts to distinguish between overt and covert operations. The Army's critics have been charged with using the term too broadly, and for confusing "direct agent observation" (of crowds, meetings, demonstrations) with "covert operations" (defined narrowly as "deep cover" infiltrations). The ultimate resolution of this semantic quarrel is probably less important than (1) Mr. Froehlke's concession that "the rather obscure demarcation between direct agent observation and covert collection was probably transgressed,"⁵⁵ and (2) the fact that in addition to the operations already described, various MI groups (including the 109th, 113th, and 116th) conducted a number of top-secret "coded" operations against anti-war and student groups within the United States. The exact nature and justification of these operations is unknown because of the Pentagon's persistent refusal to declassify its records.

REPORTING INTELLIGENCE DATA

Army intelligence reported and disseminated domestic political information with the zeal of a competitive wire service. Indeed, former agents of the Intelligence Command recall Brig. Gen. William H. Blakefield's exhortation to "beat the AP."

The communications system

The first step in creating this specialized news service, with "reporters" in over 275 communities, was to consolidate all MI groups under one nationwide agency. This was accomplished in January, 1965,

⁵¹ Jared Stout, "Army Spy Mystery Deepens," Newhouse News Services, Dec. 4, 1970.

⁵² Ibid.

⁵³ Laurence F. Lane and Oliver Pierce, Feb. 24, 1970.

⁵⁴ Hearings, p. 388-9.

⁵⁵ Hearings, p. 388.

with the creation of the Army Intelligence Command. The Command's first decision was to link its widely dispersed units together with an extensive network of teletypes and telephones. Information that was too sensitive to be transmitted in the open was "scrambled" by cryptographic equipment or sent by special courier. Routine "background" information was committed to the mails.

Of all the methods of communication, the most important was the teletype network. Installed during 1966 and 1967, it eventually linked the Intelligence Command's headquarters to every MI office which included a CONUS intelligence section. This network included all group and region headquarters, and a number of the larger urban field offices. Other lines extended to the "users" of CONUS intelligence, including the DC DPO, OACSI, CIAB, CONARC, STRIKCOM, all ARSTRIKE units and numerous commands overseas. The latter apparently were included because Pentagon officials feared overseas units may be required to return to put down large-scale civil disturbance.⁵⁶

During civil disturbance alerts, special telephone "hot-lines" were installed between the affected police departments and the "intelligence" "emergency operations centers (IEOCs)" of the local MI offices. In some cities, these lines extended to every precinct station and were manned at both ends by Army agents. At the same time, the regular Army Autovon telephone system linked each local IEOC with Fort Holabird, the Pentagon, the local Army command, and the special task force, if any, ordered into the area by the President.

Radios were used extensively during mass demonstrations and ghetto riots. Receivers located in the IEOCs monitored FBI and police transmissions. Special ASA units were deployed to intercept citizen band broadcasts.⁵⁷ Army agents on foot transmitted reports from concealed "back pack" transmitters with hidden "throat mikes," while others roamed the affected areas in unmarked radio cars.

In addition, each MI group headquarters and region office was equipped with videotape camera equipment. During the Democratic Convention of 1968, enterprising agents from the 113th posed as newsmen from a non-existent "Mid West Video Associates" and interviewed a number of demonstrators, including Abbie Hoffman and Rennie Davis. Their tapes were rushed to the Army Operations Center at the Pentagon for viewing the next morning by the Joint Chiefs of Staff. Other videotape teams rode helicopters to film busloads of demonstrators approaching Washington for the November 1969 Moratorium.

Forms of reporting

The formats of most CONUS intelligence reports were developed during World War II. Most common was the "spot report," a cryptic six or fourteen paragraph report normally used to describe incidents. Filed by teletype, radio, or telephone, spot reports were the chief form of message and provided much of the raw data on incidents, individuals, and organizations stored in the Fort Holabird computer.⁵⁸

⁵⁶ See Hearings, p. 379 and DoD Directive 3025.12 of June 8, 1968 in Hearings, pp. 1272-1278.

⁵⁷ Jared Stout, "Military Agents Had Secret Role at 1968 Conventions," Washington Evening Star, Dec. 2, 1970.

⁵⁸ Hearings, p. 240.

Where spot reports were based on direct agent observation of demonstrations, more detailed "agent reports" (ARs) often followed. These were modeled on the standard format used to describe the results of personnel security investigations. Items of information called for by the collection plans were reported in separate paragraphs, followed by a section for evaluations entitled "agent's notes." These reports provided many of the details later used to prepare "characterizations" of individuals and organizations.

Spot reports and "ARs" were condensed at various command levels for inclusion in daily, weekly and monthly intelligence summaries.⁵⁹ Monthly CONUS intelligence summaries (MISs) were published in booklet form by each CONUS army and some National Guard units. Similarly, the Navy published domestic intelligence summaries called "Trends." The Air Force did the same with its monthly "Counterintelligence Briefs." At least one MI region office (New York City) periodically published a CONUS intelligence newsletter for its agents.

Finally, each task force commander submitted his own "after action report" detailing his unit's operations and describing what lessons, if any, were learned from the experience.

The precise format of CONUS intelligence reports is less significant than the fact that a multiplicity of them had been in continuous use since the 1940s. Their existence provides still further confirmation that the surveillance of the late 1960s was not an aberration.

Dissemination

One of the most disturbing aspects of the reporting system operated by the Intelligence Command was the indiscriminate dissemination of its many reports. So far as we have been able to determine, no effort was made to limit the distribution of spot reports and intelligence summaries to units with a genuine "need to know." On the contrary, as the Distribution List on the USAINTC weekly summary for March 11-18, 1968 shows, reports of the most minor, lawful demonstrations within the United States were regularly flashed to Army headquarters in Europe, Alaska, Hawaii, and Panama.⁶⁰ Volume, not utility, appears to have been the criterion by which the Intelligence Command's program was judged. By 1969 the USAINTC teletype was transmitting an average of 1,200 spot reports a month.

THE NATURE OF THE ARMY'S PROCESSED INTELLIGENCE

For the most part, the Army's domestic intelligence machine worked like a giant vacuum cleaner which indiscriminately pulled in any information remotely related to political activism. Vast amounts of "raw intelligence" were pumped through the system and dumped onto potential users—unsorted, unchecked, and unevaluated. The sheer volume alone would have prevented thoughtful analysis. Agents were also laboring under the intensified demand for more intelligence by the Pentagon. Collection activities, moreover, staffed by the bulk of agents, were not formally tasked with analysis. Those agencies or commands which were charged to analyze intelligence did not

⁵⁹ Ibid.

⁶⁰ Hearings, p. 187.

have formal guidelines to assist them—certainly none which sought to guarantee individual privacy—nor did they have the skilled manpower required to perform such analysis. CIAB's domestic section, for example, which carried the burden of preparing briefings and special studies for the Army's decision-makers, was staffed by "analysts" rarely selected on the basis of their education or experience. In 1968 these included a tank commander with a B.S. in chemistry, an infantry officer from West Point, a college dropout, several former counter-espionage agents who had spent most of their adult lives overseas, and a lawyer with no background in civil liberties. None held an advanced degree in political science, sociology, urban affairs, or related fields which might have prepared him to analyze the causes or course of civil disorders. All of the analysts were Caucasians.

It is not surprising, then, that the Army's principal publications of processed domestic intelligence were simply vast compilations of data. Of these, two stand out as particularly significant: the Intelligence Command's "blacklist" and the CIAB's Compendium.⁶¹ The nature of these, and other publications distilled from intelligence reports, are discussed in the following section.

The "blacklist"

The first was a six-volume mug book published by the Intelligence Command. Its formal title was *Individuals Active in Civil Disturbances*, but it had also been referred to as the "USAINTC identification list" and the "Fort Holabird blacklist." Volumes 2-6 have been examined by this Subcommittee.

Slightly fewer than 1,000 individuals were profiled in these five volumes. Each page, with few exceptions, contained three entries. Each entry consisted of a photograph (on the left) and descriptive data, including the individual's name, date of birth, address, occupation, arrest record, organizational affiliation, associations, and miscellaneous information.

The geographical spread of the subjects listed was broad. Each volume appeared to pertain to a particular region of the country.

A wide variety of occupations also were listed. These included plumbers, professors, printers, ministers, Post Office clerks, students, a state legislator, funeral directors, psychologists, priests, a comedian, delivery clerks, kitchen workers, steel workers, physicians, photographers, mechanics' helpers, attorneys, surgeons, and TV servicemen. A large number of field workers for the Southern Christian Leadership Conference and the Congress of Racial Equality appeared in Volume 2.

A place to note arrests was provided for each individual, but no provision was made to indicate the disposition of the charges. Many individuals appeared to have had no arrest record at all. For example, of the 223 entries in Volume 2, 52 showed no record of any arrest. In Volume 6, 63 of the 167 entries did not indicate any arrest. Of those with arrest records, many appeared to have been arrested only once, typically for participating in a civil rights demonstration. In Volume 3, 94 of the 237 persons profiled were young black citizens with no other record than that they were members of groups arrested for either parading without a permit in Lee County, Alabama, on Sept. 1, 1965,

or committing an unidentified crime in Tuscaloosa, Alabama. Other common arrests were for unlawful assembly, disturbing the peace, trespassing, breach of the peace, disobeying an officer and blocking a roadway, interfering with the free flow of traffic, provocation and resisting arrest, inciting to riot, teaching and advocating overthrow of the government, and using obscene language. A few entries note arrests for such felonies as kidnapping, burglary, auto theft, aggravated assault, and grand larceny.

Most entries linked the individual to a political or social action group. Some of the more prominent organizations were the Americans for Democratic Action, the American Friends Service Committee, the National Association for the Advancement of Colored People, the Southern Christian Leadership Conference, the Congress of Racial Equality, and the Spring Mobilization Committee to End the War in Vietnam. Others included the National Committee to Abolish the House Un-American Activities Committee, the War Resisters League, the Presbyterian Interracial Council of Chicago, the Dallas County, Alabama, Voters League, and the Deacons for Defense and Justice. Still others included the Socialist Workers Party, the Progressive Labor Movement, the Fair Play for Cuba Committee, the World Workers Party, the Communist Party, U.S.A., the States Rights Party, the American Nazi Party, and the Black Panthers.

Short notations commented on the individual's political beliefs, actions, or associations. For example, one person had "numerous Pro-Communist associates." Another, a young black male with no arrest record, was described as an "extremely radical, militant individual." Other characterizations were "Avowed Marxist," "One of the most active Communists in the Cincinnati area," "a suspected Communist," "reported to be a psycho," "Black Power advocate," "wants to abolish the House Un-American Activities Committee," "paranoid trends, not qualified for military service," "participant, Anti-Vietnam War demonstrations," "active demonstrator, has Red background, is a radical."

One of the more striking, if absurd, references was found in Volume 2 in the description of a nationally known civil rights leader. Under "Associates" the entry read: "Known to have had many known affiliations."

On the basis of the information set forth in these mug books, it is clear that numerous citizens were marked as subjects of Army intelligence interest on the basis of wholly lawful political behavior or minor infractions of local law stemming from civil rights activities. The activities of many persons seem so innocuous that it is impossible to determine why they would be included in a publication presumably compiled to assist Army commanders in their efforts to quell civil disturbances. The following entries, abstracted from Volume 2, illustrate this point.

Black female, date of birth; address; member of NAACP; no other information except that she is the wife of a named physician.

White female, date of birth; physical description; no other information except that she is a member of SNCC.

Young, black male; date of birth; physical description; address; no other information except an arrest in 1962 for interfering with the free flow of traffic.

White female; date of birth; physical description; address; described as "housewife"; no other information except "Demonstrator, Civil Rights."

Black male; no other information except "active in State of Texas."

⁶¹ Staff Analysis, pp. 4-20.

The source of the information included in the profiles was not indicated. Hence it is not possible for the user to appraise the accuracy of any item, except insofar as it confirms what he has learned from other sources. No date was printed in any of the volumes examined: thus users could not have known with any certainty when to consider the information out of date. Nor did the books indicate how many copies were issued or to whom they were sent. Former agents, however, recall seeing copies in MI field offices. From the distribution of intelligence summaries and other publications, it seems likely that copies went to all group, region, and field offices of the Intelligence Command, all G-2s of CONARC troop units, the FBI, the Provost Marshal General, the Assistant Chief of Staff for Intelligence, and the Adjutant Generals of all 50 states.

What purpose these books were intended to serve has never been explained. Shortly after their existence was disclosed in January 1970, the Department of the Army ordered them destroyed. In his letter to the Chairman of this Subcommittee dated February 26, 1970, the Army General Counsel admitted they were unnecessary to the Army's civil disturbance mission, but did not explain why they had been compiled. The inclusion of photographs and addresses, however, suggests that whoever ordered its creation envisaged a massive "rogue's gallery" of every person photographed or arrested in a civil rights or anti-war demonstration.

The Compendium

The second important domestic intelligence compilation was a set of two yellow, vinyl-covered, loose-leaf binders popularly known as the "Compendium." Both volumes, which were classified "SECRET," were entitled "*Civil Disturbances and Dissidence*." Volume 1 was subtitled "*Cities and Organizations of Interest*." Volume 2 was sub-titled "*Personalities of Interest*." Both were prepared by the Counterintelligence, Analysis Branch and bore the imprint of "Headquarters, Department of the Army; Office of the Assistant Chief of Staff for Intelligence." Each opened with the acknowledgment: "The basic information on organizations and individuals contained herein has been provided primarily by the Federal Bureau of Investigation."

The Forward to Volume I stated that the purpose of this compendium was to provide "a reference base for all OACSI publications concerned with dissidence and civil disturbances. It has been designed for staff and operational use. . . ." According to former analysts at CIAB, the concept originated with Mr. William L. Parkinson, Deputy Chief of the Branch, who proposed it during the fall of 1967 as a device to reduce the number of information requests received by CIAB during crises. The loose-leaf format was employed to facilitate the continual updating of information.

Part I of Volume I concerned cities. It contained:

* * * a listing of urban areas broken down to indicate the probable amount of forces that would be required to restore public order in the event of any outbreak of violence. Brief characterizations of cities listed in Categories I and II are also provided. This categorization of cities is in no way a prediction of impending disorder. The distribution of the various urban areas into categories represents an assessment of the probable maximum intensity of a disturbance which may develop, and the amount of force which would be required to quell that disturbance.

A "Summary of Factors Considered" in determining which cities were most likely to require federal or state troops in case of a civil disorder followed. The factors used were identical to those set forth in the Department of the Army Civil Disturbance Collection Plan of May 2, 1968.

The "City Summary Guide" followed a two-part outline for each city reviewed. Part I set forth such "Basic Data" as population, ethnic composition, unemployment, crime rate (major crimes), potential trouble areas (based in part on Army counterintelligence reports), and a brief history of the city's experience with civil disorders. Part II, entitled "Significant Organizational Activity," described those organizations whose activities were thought to have the greatest bearing on future disturbances. What kind of bearing usually was not indicated.

The city summaries averaged approximately one typewritten page each. Comments on "Potential Trouble Areas" dealt almost exclusively with black neighborhoods and tended to be brief. For example, Baltimore's trouble spots were reported simply as the "southwestern wards, where the majority of the city's Negro population lives." The lower east side of Detroit was described as "occupied almost exclusively by Negroes, many of whom have little respect for police, law, or the community in general."

The summaries of "Significant Organizational Activity" contained much opinionated and unverified data. Characterizations of groups were presented in capsule form, usually without evidence to back up such designations as "Communist" or "anti-white." The majority of organizations mentioned were predominantly Negro. The most frequently listed were the NAACP, CORE, SCLC and SNCC. Predominately white groups included Students for a Democratic Society, the Southern Students Organizing Committee, and some chapters of the Ku Klux Klan. Again, what kind of influence each might have had in past disorders was not mentioned.

Many of the groups listed had no history of violence whatever. The Baltimore chapter of the NAACP was characterized simply as "active in promoting Negro civil rights by peaceful methods." The summary on CORE in Cincinnati noted that its position had "changed from nonviolence to militant Black Power," but did not mention whether its rhetoric had been translated into action.

Part II of Volume I discussed "Organizations of Interest." These were broken down into four categories: political, racial, anti-war/anti-draft, and international. The preface to Part II stated that "a few of the organizations represented in this compendium are of entirely legitimate and legal [in their] aims and aspirations." Two examples of such "legitimate" groups were the NAACP and the National Urban League. This characterization was in sharp contrast to both the Department of the Army and the USAINTC collection plans which listed the NAACP as an organization that attempts "to create, prolong, or aggravate racial tensions."

Topics covered in the organizational summaries included objectives, ideology, history (since 1962), significant activities, influence, leadership (personalities), finances and "final comments." Over 100 organizations were characterized in statements which averaged between one and two pages. On the whole, these summaries were expanded discus-

sions of the same organizations mentioned in the City Summary Guide.

It is striking that many organizations were extremely small and local in nature. Examples were Action, Inc., a corporation handling OEO poverty funds in South Bend, Ind.; Black Caucus, a small, recently organized black power group in Hartford, Conn.; the Black Liberation Party of Dayton, Ohio, which was reported to have held several meetings since it was organized in 1967, each attracting not more than 8-10 people; two unrelated Black Student Councils at San Diego colleges; the Black Student Union at San Jose College, formed in fall, 1967, and inactive by February, 1968, with membership and sympathizers never more than 60 persons at a time; the Citizens Coordinating Committee for Civil Liberties, formed by the Omaha Ministerial Association to work in civil rights; and the Mayor's Biracial Committee, also of Omaha, Nebraska, formed to eliminate discrimination in housing and employment.

Like the collection plans, the Compendium showed considerable interest by the Army in possible Communist or other subversive influences. For example, "There is no evidence of infiltration or influence by a subversive element" in the American Friends Service Committee, but CORE was reported to have been "influenced and infiltrated by members of Communist front groups." No documentation was given for such assertions, nor was the meaning of the word "infiltration" explained.

As in the City Summary Guide, most of the information presented could have been obtained from the news media and the group's own publications.

The main purpose of each summary appeared to be to assess the group's intentions, capabilities, and probable courses of action based on its past activities, goals, and leadership. Unsubstantiated assertions were intermingled with inconclusive facts. Thus, the summary of the Blackstone Rangers gave the names of its leaders—facts which, by themselves, showed nothing. However, under the heading "Significant Activities," a high-ranking member of the Rangers was said to have hired "14 and 15 year-old gang members to shoot three men on September 12, 1967." No source was given for this assertion.

Some of the organizations described in the Compendium were:

American Friends Service Committee
SANE
Houston Committee to End the War in Vietnam
War Resisters League
Students for a Democratic Society
National Mobilization Committee to End the War in Vietnam
National Association for the Advancement of Colored People
National Urban League
Congress of Racial Equality
Mississippi Freedom Democratic Party
Milwaukee United School Integration Committee
Mayor's Biracial Committee
Council for United Action
Citizens Coordinating Committee for Civil Liberties
Black United Front
Breakthrough
Black Student Council
Action, Inc.
John Birch Society

To their credit, several former analysts have reported that they wrote summaries on such obviously law-abiding organizations as the National Urban League specifically to show that the groups were not "subversive" and would not promote civil disorders. Whether that message got through to the "subscribers" to this loose-leaf service is not known.

Volume 2 of the Compendium contained biographical sketches on 345 "personalities of interest." Section I described 243 persons active on the domestic political scene; Section II focused on 102 persons active in foreign countries. Again, "The basic information . . . has been provided by the Federal Bureau of Investigation."

Information in each personality sketch was presented according to the following format.

I. Personal data:

- A. True name
- B. Alias/nicknames
- C. Date and Place of Birth
- D. Current Residence (or usual location)

II. Background

III. Political/Organizational Affiliation and Activity

IV. Individual or Non-Organizational Activities

V. Other Information

Most sketches were less than a page long and stressed "Political/Organizational Affiliation and Activity." "Persons of Interest" included the leaders of civil rights and anti-war organizations, extremist groups, the Communist Party, U.S.A., or groups believed to be Communist fronts active in the civil rights and anti-war movements. A few individuals not aligned with any organization of counterintelligence interest appeared to have been included because of their outspoken views on racial or anti-war issues.

Advocates of civil rights and peace causes were not the only persons profiled. Leaders of groups described as "white racist," such as the White Party of America, the National States Rights Party, and the Ku Klux Klan, appeared alongside black power advocates from the Revolutionary Action Movement, the Deacons for Defense and Justice, and the Black Panther Party for Self Defense. In many instances, the only fact noted about the individual was that he was a leader of an "organization of interest." For example, the only characterization of seven persons was that they were listed elsewhere as members of the Board of the Southern Students Organizing Committee. The same was true for a number of officers of the American Nazi Party, The Resistance, and the War Resisters League.

The contents of the sketches varied from brief notes on the individual's organizational roles to elaborate disclosures of his mental stability, family situation, schooling, occupation, financial condition, criminal record, political associations, and views (as evidenced by his speeches or statements). Some of the entries indicated the confidentiality of military medical records had been violated. Other entries suggested that the FBI or the Army obtained the results of examinations by private physicians or psychiatrists. The following excerpts are illustrative.

A psychiatric examination on 15 April 1955 revealed that _____ is subject to feelings of uncontrollable hostility in times of stress and that he is a paranoid personality."

Following a medical examination in February 1961, _____ was diagnosed as a "schizoid personality, chronic, moderate." He was described as suffering from depression and excessive worry due to personal problems. It was not known who conducted the examination.

_____ attended _____ College from 1958 to 1961; _____ for three weeks; and _____ where he obtained a B.A. degree with honors in political science in 1963 and an M.A. degree in political science in 1964.

_____ completed the third grade of formal education. From 1943 to 1946 he attended the _____ Institute, Texas, but did not graduate because of failure to comply with a school policy involving female students.

_____ has an elementary school education and has been employed as an engineer with the _____ Railroad since 1947.

_____ has associated with known Communists.

_____ is the Chairman of the Mississippi Freedom Democratic Party.

He was an unsuccessful senatorial candidate in _____ where he ran on a peace platform.

A leading anti-war spokesman was quoted as stating that "his purpose is to develop *** an anti-imperialistic consciousness among the American people." He wants 'a supervised armistice' in Vietnam. He said that he would have 'backed LBJ if he would have come to the aid of Israel in their war with the Arab nations.' "

Even private statements were recorded: "In a closed PTA and staff meeting called in connection with the disturbances, _____ said, 'I am not talking about facts; I am talking about what I want you to do and what I have the power to make you do.' "

The passage of time absolved no one. Some of the data went back to 1920. The profile of one war opponent noted that he was arrested in 1946 for disorderly conduct while picketing the United Nations, and that in 1966 he participated in a demonstration in Times Square.

A faculty member at the Free School of New York who edits a magazine was included because he "had participated extensively in demonstrations protesting U.S. participation in the war in Vietnam."

Much of the information was personal in nature, which possibly indicates that the Compendium may have been utilized more often to satisfy the curiosity and egos of military commanders than to plan military operations. For example, the profile on a well-known local civil rights leader reported that he had four brothers, five sisters, and a widowed mother. An entertainer was recorded as married and the father of six children. A radical leader's Selective Service classification was given as "I-Y (due to sexual maladjustment), without recommendation as to recall." Another sketch stated that "Due to flat feet and torn ligaments, _____ failed to pass Selective Service physical examinations, and his draft board classified him as 1-Y."

Subscribers to the Compendium also were told of the financial status of individuals. The combined monthly salary of a civil rights activist and his wife was reported to be \$775. Another was said to have left his job in private industry because a civil rights organization offered him a \$12,500 salary. Another was reported to have unpaid bills and to have lost his credit card privileges. If these individuals, or the organizations they worked for, advocated or practiced violence, conceivably their finances might have been of legitimate interest to the FBI, state police, or municipal police. However, we cannot understand why the Army should receive such data, or why the Army should publish it in a widely disseminated document like the Compendium. Here again, considerations of privacy, relevance, and self-restraint were cast to the winds.

More than 60 of the 243 domestic personalities profiled in Volume 2 of the Compendium were well known to the readers of daily newspapers. Surprisingly, many persons commonly associated with opposition to the War in Vietnam were not mentioned, including some of the defendants in the "Chicago Eight" trial. On the other hand, minor personages such as the chairman and vice-chairman of one southwestern community's Committee to End the War in Vietnam each merited mention.

The variety of occupations listed, as with the USAINTC "blacklist," was broad. Included were clergymen, teachers, journalists, editors, attorneys, industrialists, a laborer, a construction worker, railroad engineers, a postal clerk, a taxi driver, a chiropractor, a nationally-known doctor, a chemist, an economist, an historian, a playwright, an accountant, an entertainer, professors, a former radio announcer, an athlete, a civilian employee of the Department of the Army, a former Congressman, business executives, and authors.

The chief criteria for selection appeared to have been involvement in racially-oriented organizations. Of the 243 persons described in the domestic section of the Compendium, 193 were active in either supporting or opposing increased rights for minorities. All but a few of the rest were associated with the anti-war movement.

The Compendium was begun early in the fall of 1967 and was issued in the spring of 1968. It was last updated in November 1969 and was ordered destroyed in March 1970, shortly after its existence was exposed by the *Chicago Sun Times*. Its destruction was ordered, Under Secretary of the Army Beal reported to this Subcommittee on March 20, 1970, because it was "out of date" and no longer needed to support the Army's civil disturbance mission. What possible use it ever could have been to anyone in the Army—other than to satisfy his curiosity—is beyond this Subcommittee's comprehension. Nonetheless, 348 copies of Volume 1 and 346 copies of Volume 2 were authorized for distribution. 108 copies went to Defense Department agencies, from the Office of the Secretary of Defense down to the region offices of each MI group. Courtesy copies also were sent to the Department of Justice (including the Community Relations Service), the FBI, the CIA, NASA, the Secret Service, and the State Department. In addition, copies were authorized for eight defense attachés in U.S. embassies overseas, including embassies in Canada, West Germany, and the Soviet Union. Like the DA Collection Plan of May 2, 1968, the Compendium was available to thousands, including high officials in the Departments of Defense and Justice. Strange though it may seem, no one ever lodged an official protest against the invasion of privacy, the usurpation of authority, and the waste of money which the Compendium represented.

City packets

The third domestic intelligence compilation of importance was the "city packet"—a bundle of maps, civil disturbance histories, data on local police departments, lists of suitable approach routes, possible bivouac sites, and likely targets of rioters. Over a hundred of these publications were prepared in multiple copies, for distribution to stand-by riot units, the DCDPO, mayors, municipal police departments, state police, and the National Guard.

This Subcommittee has not had the opportunity to examine any of the city packets. However, from the recollections of former CIAB

and USAINTC analysts, it would appear that even these essential compilations contained information on individuals and organizations similar to that included in the city summaries (under "Significant Organizational Activity") published in Volume 1 of the Compendium.

Civil disturbance estimates

Attempts to predict riots mark the most ambitious analytical effort undertaken by Army intelligence. As summarized earlier in this Report, this effort took the form of "Estimates of the Situation" prepared during riots, and longer range, one- to five-year "threat estimates." Much of the information called for in the collection plans was intended for this purpose. CIAB's conclusion, first offered in early 1968 and reiterated thereafter, was that no indicators existed that would give advance warning of a ghetto riot. The Kerner Commission arrived at the same conclusion at about the same time. Nonetheless, detailed information on individuals and organizations continued to be demanded by officers of the Intelligence Command who continued to insist that riots could be predicted statistically and that Communists of one sort or another were behind them. This insistence, reported by several former CIAB analysts, helps to explain why so much emphasis was placed on the need for evidence of subversion—to the detriment of the need for truly useful information on potential riot areas.

Special intelligence reports

In addition to the various compilations and estimates, Army intelligence produced a number of special reports on domestic political activity. Typically, these took one of four forms: briefings, written responses to inquiries, special studies, and summaries of information.

At the Pentagon, CIAB's domestic analysts prepared two kinds of formal and informal briefings: one on civil disorders, the other on individuals and organizations "of interest." In the opinion of Ralph M. Stein, a former analyst in charge of CIAB's "left-wing desk," the briefings on civil disorders "generally constituted a legitimate function and were often relevant to the crisis at hand."⁶² On the other hand, because of the Army's limited mission in civil disturbances, there is reason to question the propriety of the high-level briefings which detailed the activities of individuals and organizations. Typical of these was a weekly briefing for the Assistant Chief of Staff for Intelligence on dissident individuals and groups, ordered by Maj. Gen. Yarborough following the October 1967 March on the Pentagon. The choice of groups identified was left to CIAB. According to Stein, who personally delivered many of these briefings, "[t]he connection between the Army's role in civil disturbances and the material covered in these briefings was highly tenuous or wholly absent."⁶³

Requests for information directed to CIAB from members of the Army general staff also departed from the requirements of the Army's civil disturbance mission. Stein testified that on one occasion he produced "a very complete study of *Ramparts* magazine which included

⁶² Hearings, p. 270.

⁶³ Hearings, p. 200.

an analysis of the editorial policy of that publication as well as complete background summaries on its leading editors and writers."⁶⁴ On another occasion he prepared an unclassified report on Students for a Democratic Society for a brigadier general who wanted it for his daughter, who was attending Briarcliff College.

In addition to briefings and written responses to inquiries, CIAB produced numerous special studies of individuals and organizations active in the anti-war movement or in racial affairs. Stein recalled studies on Dr. Benjamin Spock, Stokely Carmichael, Thomas Hayden, the Rev. Martin Luther King, the Rev. Ralph David Abernathy, and Rear Admiral Arnold E. True (Ret.). "Very often," Stein testified, "the request for information would follow a widely reported public appearance by the person in question and there would be no relevance whatsoever to civil disturbances and would not be related in any way to plans to deploy troops."⁶⁵

CONARC and its subordinate units also produced a variety of oral and written analyses of individuals and organizations unassociated with the armed forces. Laurence F. Lane testified that he prepared a 69-page review of the National Students for a Democratic Society, a shorter study of SDS in Colorado, and an analysis of both, while working for the G-2 of the Fifth Mechanized Infantry Division, Fort Carson, Colo. "Four months later," he said, "Fort Holabird published a similar document—plagiarized in part—not only reviewing the background of the Students for a Democratic Society, but also listing known (unsubstantiated) members of SDS chapters throughout the nation. The Fort Holabird document was cross-indexed by state and school."⁶⁶ The Subcommittee has confirmed the existence of the Fort Holabird study from other sources.

Within the Intelligence Command's headquarters, a "Summaries and Analysis" Branch prepared "summaries of information (SOIs)" on virtually all political protest groups in the country. Other summaries were prepared on individuals. Typically the reports were prepared in response to a request for information from the Pentagon, CONARC, or USAINTC commanders. However, according to one analyst, a report for which there had been only a single request would often be printed (the Command has its own printing plant) and distributed, unsolicited, to 100 or more units within the Army intelligence structure.

STORAGE OF INTELLIGENCE DATA

The Army's files on civilian political activity were voluminous and far-reaching. Scores of local, regional, and national record centers kept track of individuals and organizations of all kinds, from Unitarian church congregations to the Ku Klux Klan. Computers were used both to store information and to index libraries of dossiers. Where computers were not used, card indices were used to catalogue the information.

As has been described, the Subcommittee's investigation began as an inquiry into the USAINTC data bank at Fort Holabird. Initially, the

⁶⁴ Hearings, p. 270.

⁶⁵ Hearings, p. 270.

⁶⁶ Hearings, p. 329.

Intelligence Command and the Defense Department denied its existence. Later, they admitted the existence only of an "incident" file. It was only upon the personal inspection of the Undersecretary of the Army and the General Counsel that the full extent of the data collection was revealed to them and, subsequently, to the Subcommittee.

Similar difficulties were encountered as the Subcommittee expanded its inquiry into the existence of other such data banks and files. Edward Sohler, a former military intelligence agent, explained to the subcommittee:

Probably the most agile defensive moves were made by the Army concerning its computers. Replies to initial press and Congressional inquiries were that there were none, period. This, of course, was done with full knowledge that there were computers, but without knowledge of, it appears, or curiosity about, the kinds of work they were doing in the Army. Again, after heated exchanges with members of Congress and the press, the Army spokesmen were forced to go out and do some investigating on their own. The results were as surprising to the Army brass in the Pentagon as to civilians. * * *

Thus, the CONARC data bank at Fort Monroe was first publicly acknowledged in a newspaper article on February 28, 1970.⁶⁷ This disclosure followed by one day the Army's assurance to Representative Cornelius E. Gallagher that the entire CONUS intelligence operation had been stopped. The existence of the Fort Monroe data bank was first acknowledged to the Subcommittee six months later in November, 1970.⁶⁸

Similarly, the data bank at DCDPO in the Pentagon was uncovered by a newspaper reporter. His account was published on July 4, 1971, in the *New York Times*.

There has also never been an official admission that the U.S. Strike Command operated a data bank on civilian political activity. The Subcommittee discovered it in the documents conveyed to it in January 1972 when a page from the Strike Command computer was inadvertently included.

In March 1970 the Subcommittee was apprised that the Secretary of the Army had formally directed a full inventory of all such data banks.⁶⁹ But representatives of the Army and Defense Departments persistently denied that such information was available. Later, we received confirmation that the inventory had been conducted, and, in mid-1971, parts of the report were made available to the subcommittee. It was not until mid-1972, that the inventory was submitted by the Defense Department.

These shifts in response and the the lack of candor demonstrated by Army and Defense officials has given us pause to rely upon their assertions as completely factual or as representing the total picture. As Sohler testified: "In view of . . . the unceasing string of misstatements made by the Army spokesmen to Congress, members of the press and citizens . . . I find it difficult to believe that we can take official Army assurances at face value."⁷⁰ We have thus attempted to confirm what

has been reported to have been the scope and nature of the data banks and intelligence files from the computer print-outs themselves and from the recollections of former agents.

U.S. Army Intelligence Command

Eight million security clearance, criminal and counter-intelligence dossiers comprise the core of the Intelligence Command files at Fort Holabird. Established to facilitate the security clearance program, the Investigative Records Repository (IRR) is the base for the creation of a number of satellite files related indirectly, if at all, to security clearances. These satellite files in 1970 included a search file on subversives, massive records of domestic political activities, and a computerized summary and index to them. A biographic data file, also computerized, of persons believed to threaten military security or civil order, was also included. In addition to their use as references for security clearance investigations, these files were used extensively to prepare "summaries of information" in response to inquiries from the Pentagon, USAINTC and CONARC. The range and depth of information in the IRR and the methods of handling its dissemination raise serious questions of the justification, control and usefulness of the Fort Holabird files.

1. "Subversives" file

The oldest of the files was the subversives search file, a collection of dossiers on persons and organizations considered a threat to national security. Initially developed to facilitate the investigations of applicants for security clearance, these dossiers were used to prepare reports on persons involved in such activities as espionage, sabotage, incitement to riot, and subversion of military discipline.

The contents of this dossier collection exceeded the scope suggested by its definition of purpose—threats to national security. At least until 1971, the subjects included public officials including congressmen and governors. "Subversive" organizations which were listed included the American Friends Service Committee, the NAACP and Women Strike for Peace.⁷²

The collection of information on these groups was justified in terms of identifying characteristics which could be attributed to individual members. Whether this purpose was served by the vast, detailed collections which took place is another matter. Pentagon officials, for example, asked whether the Intelligence Command really needed 124 linear feet of computerized raw intelligence on the Communist Party U.S.A. These collections, after all, largely represented a duplication of information already contained in the domestic files of the FBI.

2. Incident data files

Records of incidents of interest to military intelligence were filed in both noncomputerized and computerized format at Fort Holabird. "Spot reports" and the longer "agent reports" described incipient civil disturbances, incidents threatening military security, incidents involving servicemen and peaceful events of a political nature. These reports were summarized and transmitted on a daily and weekly basis to user agencies around the world.

⁶⁷ Hearings, p. 289.

⁶⁸ Morton Kondracke, "Civilian Data Banks Continue, Despite Army Disavowal," *Chicago Sun-Times*, Feb. 28, 1970.

⁶⁹ Appendix to letter from Army General Counsel Jordan to Senator Sam J. Ervin, Jr., Nov. 27, 1970, p. 2.

⁷⁰ Memorandum from Secretary of Army Resor to the Chief of Staff dated Mar. 6, 1970, subject: Restrictions on Intelligence Operations Involving Civilian Activities. This memorandum is discussed infra, under "The New Directives."

⁷¹ Hearings, p. 281.

⁷² Hearings, pp. 1736-1737.

The computerized spot report file, created in 1968, reflected an attempt both to collect the information and to plot trends and discern incipient civil disorders. The computer programming manual, released to the Subcommittee in January 1972, and a print-out sample of the Incident Data File dated February 9, 1970, revealed the existence and nature of these still undisclosed files.

There were 96 standard categories in the Incident File for characterizing the incidents (e.g. march, meeting, strike, convention), and codes for estimating the strength of state, local and county police. Comments contained in the print-outs also indicated that the Incident File served in part as an index to more detailed documentary material located elsewhere.

The few sheets of the Incident File received by the Subcommittee apparently traced the activities of five prominent individuals for 1968 and 1969. Presumably these sheets represented all the content in the Incident File for each person during the years indicated. No other portions of the Incident File were made available to the Subcommittee.

Each incident report contained an "identity code" consisting of the reporting agency, the Julian date and the sequence number. Following the category of the report were codes for the area and source of the report, the date, city and state, the time and the "evaluation" or credibility which the report had. The narrative descriptions of the events in the file were very detailed. The report on the travels of one individual recorded the flight numbers, the airlines, times of departure and the hotels he used. Lists of other notables who joined this person at these events also appeared, as did crowd counts and short summaries of the event. This detail was typical of the entries for all five persons who appeared on the print-out excerpt.

For each person and organization listed in the file there was an index number. Reference to this number would permit the analyst to produce lists of members of particular organizations and lists of organizations to which specified persons belonged. The Intelligence Command could also produce a list of all incidents involving an organization.

The destruction of these files remains in doubt. The Subcommittee received unconfirmed reports that the non-computerized spot reports had not been destroyed, despite directives to do so and two series of inspections. Orders to destroy the computer bank were issued on February 19, 1970, but its destruction has not been verified by the Subcommittee. Presumably, this verification has been made by the Defense Department's Review Council (see p. 96).

The Subcommittee was permitted to examine the Intelligence Command's computerized Biographical Data File in detail. The print-out was furnished by the Justice Department and is dated February 9, 1970. It originally contained 408 pages, but pages 1 through 28 were fense Department's Review Council (see p. 96).

3. Biographical Data File.

The Biographical Data File contained approximately ten entries per page. Judging by the number of pages examined, we estimate that Intelligence Command maintained dossiers on at least 4,078 persons. The names were listed in alphabetical order, and included priests, lawyers, singers, comedians, politicians and relatives of federal officials (including one member of the family of a U.S. Senator), state legislators, former federal officials, leaders of the Urban League, the

Black Panthers, the Black Muslims and other Negro groups. Anti-war activists range from campaigners for Senator Eugene McCarthy to SDS Weathermen. Groups whose members were represented in the file include CORE, SNCC, SCLC, Chicanos, ACLU and OEO.

The format for each 5-line entry is as follows:

REPORT NUMBER
NAME
ADDRESS
ZIP CODE
DATE

ALIAS
DOSSIER
AREA OF REPORT
DATE OF BIRTH
PLACE OF BIRTH

SEX
PRIMARY AREA
RACE
ETHNIC (group)
NATION (nationality)

OCCUPATION
COUNTRY
ORGANIZATION
POS (position)
TRNG (training)

TRGT (target)
IDEOLOGY
DEROGATORY INFORMATION

At first the Army was unable to give the Subcommittee definite information on the meaning of these and other codes used in the print-outs. They explained that all instruction books had been destroyed and they were unable to find anyone with personal knowledge of their "meaning." Subsequently, two code books, one to the Biographic File and the other to the Incident File, were located, transferred to the Justice Department and then to the Subcommittee.

The "Report Numbers" preceding each entry contained nine digits. They appeared to correspond to spot report coding which identified both the originating unit and the report itself. The spaces for name, street address and zip code need no explanation.

The "Report Area" number was a 5-digit number corresponding to the zip code of the reporting area. The "Primary Area" designated the area of operations disclosed by the report. Letter abbreviations were used to designate foreign operations; zip codes, for domestic activities.

The "Dossier" designation was rarely entered. In a sample of 500 examined, only 32 (6 per cent) included a dossier number. Nine of these without dossier numbers indicated the existence of derogatory information. Where a dossier number was entered, it appeared as a nine-digit code which may have corresponded to the individual's social security number. Alternatively, the numbers may have been keyed to the personnel security clearance dossiers stored in the Investigative Records Repository.

The date listed was the date of the report. Most reports were filed in 1968 or 1969, but some dated back to early 1966. In a few cases, more than one entry appeared for a given individual, but it is impossible to tell whether or not the index was keyed to all spot reports on a given individual.

The other categories—occupation, country, organization, position, training target and ideology—were designated by digital codes whose meanings were not evident from the print-out. The code book indicated, however, that there were over 250 possible occupation designations, ranging from armament specialist, B-girl, butler, clam digger, conductor (train and symphony) to tailor, time-keeper, union representative, waiter and yardman. There were 21 “training” designations: aircraft, atomic, CBR, Communist, police, political, subversion, vessels and weapons, among others. There were possible “organizational” positions—chairman, treasurer, secretary, steering committee, worker and member. The “target interest” may have been any one of over 60 possible descriptions—abduction, agitation, arson, civil disturbances—general, espionage, rumors, subversive activities, etc.

The 13 codes for ideologies were as follows: anti-U.S., Communist Party, Communist-inclined, leftist, moderate, pro-Castro, pro-Chicom, pro-Soviet, pro-U.S., rightist, ultra-nationalistic, violent action-inclined and violent-action member. The “place of birth” code was devised to permit listing of almost anyone, whether born in Albania or Zanzibar.

The organization code was perhaps most revealing. It listed some 770 groups, including the following:

American Civil Liberties Union.
American Friends Service Committee.
American Nazi Party.
American Security Council.
American Society of Friends.
American Veterans Committee.
Americans for Constitutional Action.
Americans for Democratic Action.
Anti Defamation League of B'nai B'rith.
Archie Brown for Supervisor Committee.
Baltimore Committee to End the War in Vietnam.
Bay Area Festival Committee.
Blackstone Rangers.
Bogalusa Voters League.
Christian Anti-Communist Crusade.
Citizen Committee for Constitutional Liberties.
Clergymen's Committee for Vietnam.
Communist Party of China.
Council of Federated Organizations.
Cambridge Action Federation.
Clergy and Laymen Concerned about Vietnam.
Captive Nations.
Chicago Based Anti Open Housing Group.
Double Sex Kings.
Foreign Policy Association.
Friends Committee on National Legislation.
Fund for Republic, Inc., The.
Governor's Commission on Human Rights.
God's Children Motorcycle Gang.
Hell's Angels of California (National).
High School Students for Social Justice.
International Longshoremen's and Warehousemen's Union.

International Union of Mine, Mill, and Smelter Workers.
John Birch Society, The.
League of Women Voters of the U.S.A.
Liberal Party of New York.
Liberty Lobby.
Life Line Foundation, Inc.
Let Freedom Ring Society.
Menion Forum.
Mattachine Society, Inc.
Minutemen.
Mississippi Freedom Democratic Party.
Moral Re-armament.
N.A.A.C.P. Legal Defense & Educational Fund, Inc.
National Association for the Advancement of Colored People.
National Association for the Advancement of White People.
National Baptist Convention, U.S.A. Inc.
National Civil Liberties Clearing House.
National Committee for a Sane Nuclear Policy (SANE).
National Conference for New Politics.
National Council of Churches.
National Lawyers Guild.
National Review.
National States Rights Party.
National Student Association.
National Urban League.
National Socialist White Peoples Party.
National Democratic Women's League.
Oakland Committee for Community Improvement.
Pacifica Foundation.
Philadelphia Committee for a Six Hour Day with Eight Hour Pay.
“Peace Corps.”
Ramparts.
Religious Society of Friends.
Southern Christian Leadership Conference.
Student Non-violent Coordinating Committee.
State Human Rights Commissions.
Twin Cities Draft Counseling Center.
United Electrical, Radio and Machine Workers of America.
United World Federalists, Inc.
Urban League.
US (Ron Karenga's Organization).
Value Creation Study Society.
White Citizens Council.
Women International Strike for Peace.
West Baton Rouge Improvement Association.
Young Americans for Freedom.
Young Democrats.
Young Democrats from the University of Milwaukee.

The number and range of groups in this code book, which was dated March 13, 1968, and was unclassified, are truly staggering. Given the fact that this code book was compiled at the time the computer system was established, it indicates how extraordinarily comprehensive the Fort Holabird computer system was intended to be. Apparently the Army had prepared a list of politically suspect organizations before it collected any intelligence on which to base such a list.

The purpose of the category “Derogatory Information” was not to reveal that information, but to indicate whether it was “ON FILE,” “NOT ON FILE,” or “UNKNOWN.” It was thus impossible to discern the nature of the derogatory information except when the comments on the print-out gave a clue. Fully 70 percent of the entries reported that derogatory information was either “unknown” or “not on file.”

Although used to list assumed names or other addresses, the space following "ALIAS" was used most often to record why the individual merited a place in the files of Army intelligence. These comments included arrests for demonstrating at the Pentagon, disorderly conduct, failure to move on, desertion, AWOL, and participation in the Presidio "mutiny." Involvement in anti-war coffee houses, underground newspapers, or "subversive literature" also marked the individual as a person of interest. For example, it appears that Army intelligence obtained a copy of the subscription list to *The Bond*, an underground newspaper published by soldiers, and recorded every subscriber in the computer. Similarly, all signers of an anti-war petition appear to have been recorded. Presence at an anti-war or anti-draft demonstration or at some other activity connected with the anti-war effort was also noted in many instances.

Most of the comments listed under the "Alias" section described activities which arguably might be of interest to the Army—if it were shown that the persons listed were servicemen or that the activities referenced involved servicemen. It is not clear from the brief comments on the print-out that this was the case, however. Only in a few instances did military addresses or unit designations appear. For 72 percent of the entries there is no comment at all.

In conclusion, the Biographic Data File does not appear to have been limited to individuals and activities of military interest. The prefatory letter to the code book, indicating the scope of the file, provided only vague guidance to identify those individuals whose inclusion in the files was desirable. "Initial submission of work sheets," the letter stated, "is expected to contain data on hard-core militants and civil disturbance individuals CONUS-wide . . ." This lack of clear identification of subjects resulted in an ever-expanding intelligence dragnet.

In addition to the expansive sweep of these files, other objections can be made. The categories of "incident" and "ideology," if not obvious from the name or activities of the subject organizations or individuals, were assigned at the discretion of the reporting agent. Such subjective identifications in the dossiers of persons who were being or who might be considered by Fort Holabird for security clearance could well mean that such clearance would be denied on the basis of inaccurate and misleading information.

4. *Local Files.* Fort Holabird was not the only repository for the Intelligence Command's files on civilians. Duplicates of virtually every report stored there existed elsewhere among the more than 300 stateside offices of the Command. At a minimum, one copy of each report was kept on file by the originating office. Another was kept by each office that relayed the report up the chain of command. Still others were distributed, often indiscriminately, throughout the system and went into other data banks. Some were swapped with municipal intelligence squads, state police, the National Guard, the FBI, the Navy, the Air Force and other federal and state agencies. Copies of reports received in these exchanges were stored at virtually every level of the Intelligence Command's structure.

The files maintained by subordinate Intelligence Command Offices were often extensive. A letter received by Rep. Gallagher from sources close to the 116th MI Group in Washington, D.C., in March 1970, reported:

At the present time, the files of the 116th MI Group consist of a 5 x 7 card file on several thousand persons in the Washington area. On these cards are pictures of each person, his name and address, occupation, background, a record of political groups with which he has been affiliated, notes on political meetings, rallies, and demonstrations which he has attended, and summaries of his views on political issues.

Thomas L. Filkins, civilian head of the special operations section at the Region I office of the 113 MI Group in Evanston, Ill., said in testimony before the U.S. District Court in Chicago on January 4, 1971, that his unit maintained files on about 800 Illinois residents. The SDS file alone, he said, filled a 1 x 2 foot cardboard container.⁷³ A former agent of the 113th's Minneapolis-St. Paul offices recalls destroying approximately 5,000 to 8,000 3 x 5 inch cards on individuals during a routine house cleaning in 1969. Some of these files, he said, dated back to 1962. Another person assigned to the same office recalls the destruction of "a good fifty pounds of files" on individuals on or about December 9, 1970. These files had been hidden away in violation of the June 9, 1970, destruction order (see page 100). CONUS intelligence files maintained by the 108th MI Group in New York City occupied four or five four-drawer file cabinets.⁷⁴

The extent of the Intelligence Command's files on civilians would be disturbing in themselves. However, they represented only a portion of the Army's holdings.

Continental Army Command

Like the Intelligence Command, the Continental Army Command maintained a nation-wide network of computerized and non-computerized files on civilians unassociated with the armed forces. Yet as stated above, in over nine months of correspondence with the Chairman of this Subcommittee, the Departments of Defense and Army made no mention of these records. Finally on November 27, 1970, Under Secretary Beal acknowledged that "In addition to the data bank at Fort Holabird, data banks have been destroyed at Headquarters, Continental Army Command and at Headquarters, III Corps, Fort Hood."⁷⁵ No mention was made of their origins, contents, scope, purposes or use.

Similarly, the testimony given by Under Secretary of Defense Froehle in March 1971 shed no light on CONARC's files. His remarks on that agency's operations consisted only of a vague reference to one (possibly two) tactical intelligence units whose "methods of collection . . . were less constrained" than those of the Intelligence Command.⁷⁶

With the exception of these general references to the CONARC regional intelligence collection system, little was known about it at the time of the Subcommittee's hearings. Subsequently, however, copies of a print-out from the CONARC computer located at Fort Monroe were made available to the Subcommittee and additional information was provided in response to later inquiries by the Chairman. In addition, the Subcommittee secured from other sources a copy of the results of a Pentagon-ordered inventory of Army data banks which was issued

⁷³ *ACLU v. Laird*, transcript, p. 893.

⁷⁴ Information supplied by Christopher H. Pyle based on interviews with six former agents of the 113th MI Group conducted in January 1971.

⁷⁵ Appendix to letter from Army General Counsel Jordan to Senator Sam J. Ervin, Jr., Nov. 27, 1970, p. 2.

⁷⁶ Hearings, p. 389.

in mid-1970. The results of this inventory, which follow, indicate the scope and amount of CONARC intelligence collection which was not computerized at Fort Monroe. This inventory also further indicated how broad and comprehensive the Continental Army intelligence collection was. Research by the Subcommittee staff subsequent to the hearings revealed that the Continental Army Command, its subordinate armies and their constituent units had been amassing files on the political activities of civilians and soldiers for decades. The bulk of these files was stored in the conventional manner: dossiers for organizations and some of the more active individuals, card files for the rest. At least until recently, the practice at CONARC Headquarters at Fort Monroe had been to make out a card on virtually every person mentioned in FBI domestic intelligence reports. To conserve space, CONARC microfilmed portions of its files.

The basic non-computerized file at Fort Monroe was similar to the core file at Fort Holabird. It served as a search file for checking on the "loyalty" organizations and individuals and for monitoring "disaffection" in stateside Army units. A second and relative minor purpose of the file, sometimes given as justification for its existence, was to help CONARC commanders check out civilian organizations seeking speakers, bands, color guards, or other special services. Particularly in the first respect, the files duplicated those of the FBI, the Civil Service Commission and the Intelligence Command. But CONARC files specialized in reports of dissent within the Army and racial tension on military installations.

A third purpose of the files, in part derived from the special position of its commander, was to expand the Command's comprehension of civil disturbances. The commanding general of the Continental Army Command held an additional post—head of the U.S. Army Forces Strike Command (ARSTRIKE). The ARSTRIKE mission involved preparing troops for immediate deployment at home as well as abroad. Although intelligence on potential riots for use by ARSTRIKE units was assigned to Intelligence Command, CONARC established its own collection program, often using agents who had been assigned to the intelligence staffs of stateside troop divisions.

Like the Intelligence Command, CONARC turned to computers during the late 1960s. The Fort Monroe data bank, known as the Counterintelligence Records Intelligence System (CRIS), was established in January 1968 and computerized in May of that year. The technical feasibility, but not the propriety of the system, was approved at that time. Not until April 1970 was the requirement imposed that the Secretary of the Army approve any computer data bank on civilians.

Similar to the organization of other Army intelligence collections, the CRIS computer had three components—a personality file, an incident file, and an organization file with "cross-reference retrieval capability." The information was based primarily on USAINTC, FBI and municipal police department reports. Customers outside of CONARC included the Intelligence Command, the ACSI, and the Commander, Military Traffic Management and Terminal Service. The fact that the Intelligence Command and the Pentagon received this data from CONARC is noteworthy on at least two counts: First, since 1965, the Intelligence Command and not CONARC was responsible for in-

telligence work of this kind; second, its existence was purportedly not made known to civilian Army officials until "on or about March 1, 1970."

Information was stored on four magnetic tapes and discs which were destroyed in mid-April 1970. Supporting files were reportedly destroyed later that month, as were copies of print-outs. There is no record, however, of the number of print-outs sent to the system's customers during the time the system was in operation, nor what has happened to them.

The Subcommittee staff examined a set of microfilm aperture cards containing all the periodic summary print-outs from the Fort Monroe incident data file for January 1, 1969, through February 28, 1970. The staff also studied volumes 2 through 6 of the "Personalities Edition of January 26, 1970," which were loaned by the Justice Department. Apparently, no copies of the organization files contained in the computer have been located.

1. *The Incident File*—The incident data bank was built mainly on spot reports and appears to have been part of an ambitious, independent but unsophisticated effort by CONARC to predict civil disorders through the statistical analysis of "indicators" such as crime rates, regularity of false fire alarms, and other items called for in the Department of Army Civil Disturbance Collection Plan of May 2, 1968. The file was a collection of the computerized domestic intelligence summaries issued each month and sometimes more often by CONARC's Deputy Chief of Staff for Intelligence. Each summary, entitled "CRIS Briefing Report," was a listing of incidents reported by the Continental Army (1st, 3rd, 4th, 5th, 6th Armies, and the Military District of Washington).

Each entry contained the location, time, source, and number of the report, and included an evaluation of the source and content, a characterization and description of the incident, and a list of the people and organizations involved. Identity numbers were assigned to participants and the groups to which they belonged, and in some cases even to public officials. Thus, all reports which mentioned someone only incidentally could be reassembled if that person should later become a "personality of interest."

At the end of each weekly or biweekly print-out there was a statistical breakdown of reports by region, type of incident, and whether such incident was "violent" or "nonviolent." The difference in the number of reports from that of the previous week, computed and labelled "trend," seems to have been an attempt to construct an elementary barometer of domestic political activity. But how such a chart could predict a riot in a particular city is not clear. This method of analysis was, furthermore, weakened by the fact that the report used a weekly time frame and assumed that the number of meetings, demonstrations, and arrests could be converted into indicators of potential rioting. Rather than reflect trends in civil disturbance, the weekly breakdown more likely reflected only differences in the enthusiasm of scattered reporting units.

2. *Personalities File*—The five volumes of the "Personalities Edition" contains 2,269 pages of detailed summaries of the political beliefs and activities of nearly 5,500 persons, along with a 99-page index.

Each of the more than 7,000 entries followed a standard format. The actual format of the print-out read: "NAME AND ADDRESS/PLINK #/DATE OF BIRTH/EMPLOYMENT/DATA SOURCE." "PLINK" is computer shorthand for "personality link" and is expressed by a numerical identifier. Corresponding nine-digit numbers were assigned to persons mentioned in both the incident and organizational files, thus creating a cross-indexing reference system.

Beneath this line were 17 categories for information, grouped as follows:

ETHNIC GROUP	RACE
RELIGION	INCOME PER YEAR
LEADER OF	EFFECTIVENESS
SEX	MARITAL STATUS
ALIAS	ARREST HISTORY
SERVICE STATUS	CITIZENSHIP
EMPLOYMENT TYPE	EDUCATION
CHARACTER	PICTURE
OCCUPATION	

In none of the entries were all of these categories completed. This was true even in the case of well-known public figures.

Following these 17 categories were lines for "Organizational Membership," and "Influence Therein." Whenever an organization was listed, it was accompanied by a seven-digit designator which Army representatives have told us was a code number for that organization. It may also have identified the individual's role or activity in the organization. The second space in each designator was a letter which corresponded to the first initial of the group's name. To the far left of each organizational notation was one of two phrases—"Office holder" or "worker." Rarely was a person listed as a worker.

Some of the previously-mentioned categories were ambiguous in regard to the information called for. The categories calling for "character" and "leader of," are examples. The Defense Department explained:

... Under the entry of "character," codes indicated such characteristics as militancy or lack of militancy and degree of support rendered to the organization. The codes for the "leader of" indicated the economic and social characteristics for a variety of groups. Codes under the data element "effectiveness" indicated the degree of effectiveness of the leadership of the individual being described. The entries under the field "picture" merely indicated whether a picture was available in the source file (or document). There are no records existing to indicate how the various categories were assigned to the above elements. It is known that the categorizations were made by the Army elements designing the system.⁷⁷

This explanation is interesting for several reasons. First, it indicates that CONARC was using a set of highly subjective categories to characterize individuals and organizations. Secondly, it identifies no document to which analysts responsible for this characterization could refer. Thirdly, it suggests that the officials who drafted the explanation were unable to locate an authoritative source—since none is cited—to explain the criteria which the analysts did use in categorizing civilians subject to surveillance. Although the Army was attempting to quantify subjective and arbitrary designations, there is no evidence that it appreciated the danger of relying on such treacherous misinformation, much less the danger that these labels posed to the individuals involved.

⁷⁷ Hearings, p. 1236.

Although the CRIS "was designed to retrieve civil disturbance information rapidly and generate data and statistics to assist CONARC in the prediction of civil disturbances which might result in the deployment or commitment of federal troops,"⁷⁸ its practical usefulness for such purposes is not immediately evident. Persons described in the CONARC print-out range from the members of clearly peaceful, legitimate "establishment" groups to convicted Soviet spies. For example, organizations represented in volumes 2 and 3 included:

- Unitarian-Universalists
- Quakers
- American Friends Service Committee
- Society for Ethical Culture
- SANE
- Various anti-war groups
- Southern Christian Leadership Conference
- Black United Front
- Black Panthers
- Ku Klux Klan
- Minutemen
- National Guardian
- Emergency Civil Liberties Committee
- National Lawyers Guild
- Daily Worker
- Communist Party, U.S.A.
- Izvestia
- KGB (Soviet intelligence)

Activities described vary from peaceful protests to espionage. In most cases, however, the individuals were included solely because they chose to exercise constitutionally guaranteed freedoms of speech, assembly, and petition. Some were cited for handing out pamphlets, making speeches, attending rallies, subscribing to periodicals, signing political advertisements, advocating voter registration, calling for the reform of the Uniform Code of Military Justice, signing an election petition, and speaking unfavorably of the Army, an officer, or the President. Others were included for opposing the war in Vietnam, participating in sit-ins, sleep-ins, and demonstrations, picketing (in one case, a shoe shop), and writing letters in support of Hanoi.

In many cases, an arrest was noted. Most were for minor offenses often associated with public protests, such as parading without a permit, loitering, littering, and disorderly conduct. Only a few arrests were for serious offenses, such as drug smuggling, carrying concealed weapons, and the like. Rarely did the summaries note what became of the arrest.

Many individuals are identified with groups considered by the Army to be associated with the Communist Party. In the majority of these cases, there was no evidence of any connection between the organization and the party, much less that the individual was or is a knowing member actively working to overthrow the government of the United States. On the other hand, Volumes 2 and 3 contained a sprinkling of cases in which the individual appears to have been involved in espionage. Typically these involved convicted or deported agents whose names were easily recognizable by informed laymen. A number of individuals were identified as members of the Communist Party USA, but there is usually no way to ascertain the credibility of the charge,

⁷⁸ Hearings, p. 1233.

libelous in some states, because no source is given or because the allegation was made by an unnamed informant.

In many other cases no reason whatsoever was given for including the individual in CONARC's data bank. Some entries listed only a name and address. Spouses were listed for no apparent reason other than their choice of partner, or former partner. Relatives listed included brothers, sisters, mothers, fathers, children (some very young), and in one case a girlfriend.

In about 80 percent of the cases, the FBI was cited as the "DATA SOURCE." Thus it would appear that CONARC, too, was a regular recipient of the Bureau's domestic intelligence reports. In some instances, the data source was indicated by a seven-digit code number followed by "USC," "CON," or "MIC." The number identified the original document, the abbreviations represented the reporting agency.

Some of the information appeared to have been furnished by confidential informants, but for the most part it is impossible to determine to what extent CONARC developed its own covert sources. Conceivably, these may have been the product of electronic interceptions since "confidential informant" is a commonly used method of concealing information from such sources. The Subcommittee, however, has no means of ascertaining whether the military used such methods, or was the recipient of such information gathered by other agencies. Other entries suggested direct agent observation, but did not reveal whose agents did the observing. Only a few of the entries were attributed to newspaper articles. Some of these dated back to the early 1960s. Some entries were taken from *Who's Who*, while arrest information appeared to have come mainly from police records. One notation reported a building code violation.

Many entries cited no source whatever. One anonymous report disclosed that the subject wrote to the Soviet Embassy to request information for a school paper. Another noted that a young student exchanged pen-pal correspondence with a teacher in the Soviet Union. Many of the anonymous reports appear to have been gleaned from interviews with employers, employees, friends or associates. Others seem to have been taken from passport applications, immigration files, and "statements of personal history" filled out by persons applying for security clearances.

In the absence of testimony from the Army officers who conceived and operated the Ft. Monroe system, no comprehensive appraisal of this data bank can be made. A few tentative conclusions, however, are possible. First, CONARC's computerization of personality data went beyond that of Intelligence Command, both in numbers of persons monitored and in the variety of information recorded. CONARC's surveillance of civilians was far more extensive than the testimony of Secretary Froehke indicated, and was more comprehensive than that contemplated by either Annex B of the DA Civil Disturbance Information Plan or the Plan itself. This raises the question whether CONARC expanded its surveillance on its own initiative, or whether there were Army directives which ordered its expansion?

Criticisms, which have been levelled at other Army data banks, can also be made with respect to the CONARC bank. The information which it contained was irrelevant to the Army's civil disturbance mission. Moreover, no restrictions were placed on its dissemination.

Continental commands subordinate to CONARC

1. *First Army.* The domestic intelligence operations of the First U.S. Army focused on New England, the Middle Atlantic states, West Virginia, Kentucky, and Ohio. Accordingly, its records largely duplicated those maintained by the 108th and 109th MI Groups of the Intelligence Command. The central data bank, located at Fort George Meade, Md., reported to the Secretary of the Army the following quantity of records on military and civilian dissenters:

Organizational folders : 48 linear feet.
 Personality folders : 12 linear feet.
 Organization cards (5 x 8 inches) : 18 linear feet.
 Personality cards (5 x 8 inches) : 52 linear feet.

By our count, one loosely-packed inch of 5 x 8 file cards contains about 100 separate cards. (A compressed inch will contain 125 or more.) In other words, the First Army reported keeping at least 21,600 cards on organizations (100 x 12 x 18), and 62,400 cards on individuals (100 x 12 x 52). Undoubtedly, more than one card was used to describe some individuals and groups, while some cards were hold-overs from earlier decades. Even so, the size of these files is staggering, and would be difficult to believe were it not for the fact that other CONUS armies have reported similarly large holdings.

In addition, First Army headquarters reported approximately 24 linear feet of domestic intelligence publications. These included not only USAINTC's mug books and CIAB's Compendium, but also:

Monthly CONUS intelligence summaries published in booklet form by all CONUS armies and the Military District of Washington.
 Air Force (Office of Special Investigations) Counterintelligence Briefs.
 Naval Investigative Service counterintelligence reports.
 FBI reports collected by the 108th and 109th MI Groups.

Approximately 75 percent of the data recorded in the card files on individuals and organizations was extracted from FBI reports. The remaining 25 percent, according to the First Army, was taken from the news media and "miscellaneous sources."

2. *Third Army.* The Third U.S. Army kept track of military and civilian dissenters in the Southeastern United States. Its headquarters at Fort McPherson, Ga. reported a card file (5 x 8 cards and microfilm cards) on 4,672 persons, 2,220 organizations, and 382 publications. The report omitted any mention of dossiers or files on publications, but did furnish eight criteria by which the Third Army determined which individuals and organizations merited space in its files:

1. Subjects who aim to, or whose current activities are prejudicial to the best interests of the Army and/or adversely affect military operations.
2. Organizations and individuals who engage in, or lend support to RITA activities to include provision of funds, advice, publications, and legal support.
3. Leaders of anti-ROTC activities at colleges and universities having ROTC programs, to include organizations involved and current activities.
4. Leaders of leftist organizations that conduct dissident activities at/or on military installations, such as distribution of literature and sponsorship of demonstrations.
5. Leaders of organizations whose activities are predicted to interrupt, or adversely affect, Army operations in the event of a civil disturbance which involve military personnel and/or materiel, to include organizations involved and *modus operandi*.
6. Writers of threatening or "crackpot" letters.
7. Some foreign agencies that have been designated by ACSI, DA, as collectors of intelligence information in the U.S.

8. Organizations that have been cited as subversive by federal and state investigative bodies.

Given such broad grounds for inclusion, it is easier to understand how Third Army headquarters could find so many individuals and organizations to keep track of in the Southeast.

Similar but less extensive files were reported to exist at Fort McClellan, Ala., Fort Jackson, S.C., and Fort Bragg, N.C.

3. *Fourth Army.* Although few regions of the country have been less troubled by civil disorders than the Southwest, the Fourth Army, which is located throughout the region maintained the most extensive data banks on political dissenters within CONARC. The headquarters file at Fort Sam Houston, for example, reported 90 linear feet of dossiers and 100 linear feet of 3 x 5 inch "locator cards" on organizations and individuals. Since 100 linear feet of 3 x 5 cards equals approximately 120,000 separate cards (100 x 12 x 100), this headquarters file qualified as the largest of the reporting commands.

The purpose of these cards, according to Fourth Army, was to provide information to command and staff members of this headquarters and Class I installations concerning—

a. Individuals and organizations whose activities/statements or affiliations with subversive groups indicate an actual or possible potential for violent confrontations;

b. Or who have indicated support, financial or otherwise, for such groups and individuals.

c. Individuals and organizations which have indicated a desire to or have made actual contact with active duty members of the military for the apparent purpose of influencing such individuals toward dissident activity or disaffection.

Fort Sam Houston, moreover, was not the only repository of CONUS intelligence files in Texas. Fort Hood, home of three civil disturbance task force headquarters and six ARSTRIKE brigades, maintained both computerized and noncomputerized listings of civilian groups and their leaders on both the national and local level.

Little is known about this particular Fourth Army data bank other than the extent of its collection as reported to the Secretary of the Army.

However, a second and more voluminous collection of data existed at Fort Hood, independent of this localized Fourth Army collection. This larger bank was maintained by the Fourth Army's III Corps, which was charged with providing civil disturbance forces for the mid-continent and contained intelligence information on a nationwide scale.

The Subcommittee learned of the existence and nature of this data bank almost by accident. Undersecretary of the Army Beal in his letter to the Chairman on November 6, 1970, acknowledging the destruction of various data collections, mentioned the Fort Hood III Corps bank. The Subcommittee was thereafter unsuccessful in its attempts to obtain further information on this particular data bank. Defense Department General Counsel J. Fred Buzhardt initially claimed "national security" as a ground for denying the Subcommittee the opportunity to examine a copy of the printout.⁷⁹ On June 10,

⁷⁹ Letter from DoD General Counsel Buzhardt to Senator Sam J. Ervin, Jr., dated June 9, 1971.

1971, however, Mr. Buzhardt advised the subcommittee that a copy of the printout had in fact been located in the files of the Assistant Chief of Staff for Intelligence. He stated that the computer had never become "operational," and that only two copies of its printout had been circulated outside Fort Hood—one to the Deputy Chief of Staff for Intelligence at Fourth Army, and to the ACSI at the Pentagon. The letter did not describe the nature of the printout, nor did it authorize the Subcommittee to examine it. On the day following Buzhardt's letter, without the knowledge of the Subcommittee, the printout in question was transferred to the Internal Security Division of the Justice Department. Some months later, on November 19, 1971, in response to a routine request of the Subcommittee addressed to the Justice Department, the long-sought printout was finally made available to the Subcommittee.

This III Corps print-out consisted of 24 pages and was designated as "X005.410 Alphabetical Roster by Initials." It was dated June 9, 1970, and was not classified. There were nine categories of information:

Organizational Code Initials
Sequence Code
Type of Organization
Name of Organization/Leader/Chapter/Member
Address of Organization
Membership of Size Code
Associated Organization
Date of Information
Card Code

There were 664 entries, covering 257 different organizations. Where more than one entry was made for an organization, the subsequent entries denoted additional chapters or individuals evidently associated in some way with the group. Sometimes the connection was evidenced by a notation of the individual's office or position.

Organizations were coded with letters A through L. The list of organizations which follows is representative of those referenced in the Ft. Hood III Corps computer bank:

- A. Political right:
 - The White People's Party, 2 entries.
 - Young Americans for Freedom, 2 entries.
 - Tax Reforms Immediately, 1 entry.
 - Associated Wallace Voters, 3 entries.
- B. Political left:
 - Communist Party USA, 63 entries.
- C. Anti-establishment:
 - Business Executives for Peace in Vietnam, 2 entries.
 - Conservative Warlord, 1 entry.
 - National Organization for Women, 1 entry.
 - Students For a Democratic Society, 3 entries.
- D. Civic Action:
 - NAACP, 3 entries.
 - Urban League.
- E. Black Nationalist:
 - Afroamerican Student Association.
 - Black Panthers, 16 entries.
 - Blackstone Rangers, 5 entries.
 - Deacons For Defense and Justice, 3 entries.
 - Nation of Islam, 11 entries.
- F. White Separatists:
 - Ku Klux Klan, 4 entries.
- G. Oriental Militants

- H. Latin American Militants :
Brown Berets, 5 entries.
- I. Pacifists :
American Friends Service Committee, 6 entries.
Clergy and Laymen Concerned About Vietnam, 2 entries.
- J. Poverty agitation :
Southern Christian Leadership Conference.
- K. RITA (Resistance in the Army).
- L. Legal defense :
ACLU.

There were Latin-American, Mexican, Chicago, Filipino, Chinese and Iranian organizations, as well as youth gangs, high school students, environmental, legislative, and educational groups listed.

There were dates for the entries in less than 10% of the instances, the earliest dated 1955, and the latest, 1969. Quite often there were street addresses, less often a designation for associated organizations, and rarely a notation of group size. There were no entries in the card code column.

The assertion of DoD General Counsel that the system was destroyed before it became operational was borne out by an examination of the June 1970 print-out. The document itself causes one to wonder if it could have become "operational" at all. It is impossible to imagine how the system could ever have been used for prediction, planning, or for providing "the intelligence required to respond effectively and rapidly to a civil disturbance situation." Rather the data collection appeared to be a glorified index listing groups, members and leaders, size, location and type. It did not relate to the practical concerns of the Army's or III Corps' civil disturbance mission.

4. Fifth Army

The Fifth U.S. Army, which has responsibility for much of the Great Plains and Mid-West, reported approximately 93.6 linear feet of dossiers and approximately 5,000 5 x 8 inch cards on individuals and organizations at its headquarters at Fort Sheridan, Ill. Its inventory did not reveal what files, if any, were maintained by subordinate units, but one example was supplied by Laurence Lane who testified that the G-2 of the Fifth Mechanized Infantry Division at Fort Carson, Colo. maintained a complex filing system:

Card cross-files were maintained on individuals, cities, and organizations. Each card indicated where source material was stored, i.e. spot reports, newspaper clippings, agent reports, etc. Clippings and teletype reports normally were categorized chronologically, whereas agent reports, dossiers, and other developed information were filed by subject.⁸⁰

During the fall of 1969, he added, this system became too burdensome, and was replaced by a tabloid journal in which items of information were logged chronologically as they were received.

5. Sixth Army

For the West Coast and Rocky Mountain states, the Sixth Army reported a headquarters file of only 35 linear feet of dossiers—the equivalent of four-and-a-half four-drawer file cabinets. Its inventory made no mention of the files of its subordinate commands, but included the following justification for its own files: "Should troops be deployed to restore stability and order, lack of the information con-

tained in these files would commit the troop commander to a strange area with no knowledge of his opponents or their plans, tactics, strengths, weaknesses, organization or capabilities. This could lead to unnecessary over-reaction due to a lack of knowledge of the situation."

6. The Military District of Washington

The Military District of Washington admitted to 90 manila folders on "dissident personalities" and 112 folders on "dissident organizations." The files were needed, it said, "to advise the commander, MDW, and contingency units of individuals and organizations which could cause disorders beyond the capability of civil authorities to control. This can be accomplished only through the maintenance of timely and accurate information on prominent dissident individuals and groups."

Counterintelligence analysis branch

The task of the two primary collection agencies—USAINTC and CONARC—was to report and store as much raw data as they could. Speed and volume were the criteria by which their performances were evaluated. Thus, where they could afford it, they turned to computers. The Counterintelligence Analysis Branch (CIAB), as has earlier been described, was a different type of agency. Its primary mission was to produce analyses in the form of estimates, studies, briefings, talking papers, fact sheets, and "black book items" for the Pentagon's chief military and civilian officials. During the fall of 1967, consultants from the Research Analysis Corporation recommended that CIAB undertake an ambitious computer operation which they contended would predict when and how many troops would be needed to put down riots in various cities. The proposal was rejected. Former analysts attribute the rejection to two factors: (1) an unwillingness to accept the information loss that occurs when lengthy reports was compressed and translated into binary categories; and (2) the existence of a microfilm archive at CIAB which had proven adequate to the task of storing counter-intelligence information from overseas and was felt to be adequate for domestic purposes as well. Knowledge that computerization was going on elsewhere in the military and that CIAB ought not needlessly duplicate the efforts of others also may have influenced the decision.

CIAB did, however, computerize its index to the microfilm archives which had been enlarged as early as 1964 to include domestic intelligence records. According to former analysts, the domestic portion of the index was a print-out a foot-and-a-half to two-feet thick. This index contained entries identifying reports on organizations and individuals. There were also index references to reports on specific topical events such as riots, demonstrations, and elections.

The index was assembled by an alphabetical ordering of individuals and organizations. These entries contained a number of descriptive categories, some of which are listed below:

Listing for an individual:

- Name
- Alias
- Sex
- Date of Birth
- Numerical code for:
 - Organizational affiliations (e.g. NMCEWV, Army, etc.)
 - Political ideology (communist, non-communist, etc.)
 - Location (hemisphere, country, state, etc.)

⁸⁰ Hearings, p. 326.

Listing for an organization:

Name
 Code number for:
 Political ideology
 Location
 Incidents involved in
 Information on:
 Leadership
 Membership
 Plans
 Finances
 Literature
 Tactics
 Affiliations with other groups

Beside each item of information on the print-out was a citation to the reel and frame of microfilm on which the original report was reproduced. For example, a typical index entry might read in part: "DELLINGER, DAVID, . . . CHICAGO CONSPIRACY TRIAL 845/332. . . ." To view the original report the analyst would go to the correct tray of microfilm, select reel 845, put it in the microfilm reader/printer, and crank to frame 332. To get a permanent copy, he would press a button and the machine would produce a copy of the report.

The coding of the reports was facilitated by the use of a specially abridged version of a standard Intelligence Subject Code. Letter codes were used to identify individuals and organizations by location; numerical codes to identify them by status and beliefs. For example, "IHUSX" indicated "Western hemisphere, United States." "IHUS-ANY" represented a soldier in New York state.

Additional codes identified individuals by their profession, military service, rank, and political affiliation. For example, the prefix "134" meant "non-Communist," while "135" meant "Communist." The suffix 295 indicated an individual as opposed to an organization; 799, an anti-war group. 134.799, therefore, denoted a non-Communist anti-war group. By the same token, the number 134.295 indicated a non-Communist individual, and 135.295, a "Communist." Thus, by mistakenly coding a "5" instead of a "4" in a 6-digit number, an American citizen might be falsely branded by his government as a Communist.

No effort was made to keep records on law-abiding citizens separate from those on foreign spies. "Dissidents" and "subversives" were mixed together indiscriminately, and the analysts were given broad discretion to decide who belonged in what category. Ralph Stein, a former CIAB analyst, testified:⁸¹

* * * While no problem ever existed with a self-proclaimed Communist, the individual analyst would have to choose a designation arbitrarily in many doubtful cases or where identifying information was lacking. The result? Many persons who are not Communists are listed so in CIAB's data bank.

At the time of my departure from CIAB * * * [m]any of the individuals listed were students who merely participated in a meeting or rally sponsored by an organization under surveillance.

To illustrate the kind of reports stored in CIAB's archives, Stein cited several hundred FBI background investigations of young people arrested for misdemeanors during the October 1967 march on the Pentagon. "These reports not only listed the details of the offense, but

also revealed the individual's background, education, schooling, membership in groups, associations, travels, and often contained information on other members of the subject's family as well."⁸²

Among the better known persons listed in CIAB's files, he said, were:⁸³

Dr. Martin Luther King
 H. Rap Brown
 Whitney Young
 Julius Hobson, Sr.
 Herbert Aptheker
 Bettina Aptheker Kurzweil
 Albert Cleage
 Stokely Carmichael
 David Dellinger
 Abbie Hoffman
 Thomas Hayden
 Rennie Davis
 Cora Weiss
 Dagmar Wilson
 Joan Baez
 Arlo Guthrie
 Julian Bond
 Arlo Tatum

Gus Hall
 Conrad Lynn
 George Lincoln Rockwell
 Bernadine Dorn
 Rear Adm. Arnold E. True, USN, Ret.
 Brig. Gen. Hugh B. Hester, USA, Ret.
 Brig. Gen. Herbert Holdridge, USA, Ret.
 Maj. Gen. Edwin Walker, USA, Ret.
 Rev. Ralph David Abernathy
 Rev. Jesse Jackson
 Hosea Williams
 William Fannroy
 Rufus Mayfield
 Jerry Rubin
 Dr. Benjamin Spock
 Rev. William S. Coffin
 Rev. James Groppi
 A. J. Muste

Organizations, Stein recalled, included:⁸⁴

Right-wing:

American Nazi Party (later National Socialist White People's Party)
 National Renaissance Party
 Ku Klux Klan
 United Klans of America
 John Birch Society
 The Minutemen
 Numerous anti-semitic groups

Left-wing and Anti-war:

Workers World Party
 Communist Party, USA
 Communist Party, Marxist-Leninist
 Socialist Workers Party
 Progressive Labor Party
 Students for a Democratic Society
 Southern Students Organizing Committee
 Spartacist League
 Young Socialist Alliance
 National Mobilization Committee to End the War in Vietnam
 SANE Student Mobilization to End the War in Vietnam
 Fifth Avenue Vietnam Peace Parade Committee
 Business Executives Move to End the War in Vietnam
 Clergy and Laymen Concerned About the War
 National Lawyers Guild
 Emergency Civil Liberties Committee
 The Resistance
 The Revolutionary Contingent
 Yiddisher Kultur Farband
 National Conference for New Politics
 Women's Strike for Peace
 Women's International League for Peace and Freedom
 Peace and Freedom Party
 Urban League
 Youth International Party

⁸² Hearings, p. 268.

⁸³ Hearings, p. 265-6.

⁸⁴ Hearings, p. 264-5.

⁸¹ Hearings, p. 266.

Racial:

Congress of Racial Equality
National Association for the Advancement of Colored People
Student Non-Violent Coordinating Committee
Revolutionary Action Movement
Southern Christian Leadership Conference

Stein further testified that "A few of the groups did sponsor activities designed to hamper the Army in the accomplishment of its lawful mission . . . [but] most of the information collected . . . was not of any value in determining the possibility of civil disturbances. . . ." ⁵⁵ He emphasized that "the Army collected and received information on many purely local groups which engaged entirely in constitutionally protected activity. Examples included black groups devoted solely to securing better housing, vigil groups in New England which met regularly to light candles and pray for peace, and student organizations interested in increasing the relevancy of their education. . . . Financial information, sexual activities (especially illicit or unconventional), personal beliefs and associations were all reported in great detail." ⁵⁶

According to Stein, "approximately 80 percent of the classified information received by CIAB came from the FBI. During my period of service, the FBI obviously made no attempt to screen reports for relevance to the Army mission and so CIAB daily received veritable flood of information, the major part of which related to totally civilian political activities in which the Army should have no interest." ⁵⁷

Another major source of reports was the Intelligence Command. "It often seemed to us," he recalled, ". . . that virtually every public protest meeting was monitored by Army agents, with the results being forwarded to Washington through Baltimore." ⁵⁸

The Subcommittee has not been able to ascertain the number of individuals or organizations listed in CIAB's microfilm archive. However, if the computer index to its domestic intelligence records was a foot-and-a-half thick and a normal computer print-out contains approximately 400 pages to the inch, it probably contained upwards of 7,200 pages (400 x 18). Assuming that each page described only six organizations or individuals (the Biographic Data File at Fort Holabird contained ten), the index could have listed data references for 43,200 individuals or organizations (7,200 x 6). Thus even if we grant that some entries may have pertained to the same subject, we question the persuasiveness of Under Secretary Beal's assurance of March 20, 1970, that CIAB did "not collate information on a broad basis and only has information needed to answer specific questions of concern to the Department of the Army." ⁵⁹

U.S. Strike Command

In addition to the Army computer centers, two joint Army-Air Force Commands maintained domestic intelligence files. One of these commands was the U.S. Strike Command.

The U.S. Strike Command (USSTRICOM) was established in 1961 to furnish rapidly deployable, combat-ready forces in an emergency situation anywhere within the United States or overseas. This joint

Army-Air Force command is headquartered at MacDill Air Force Base and is commanded by an Army general. To facilitate Army cooperation in emergencies, this general is also the head of CONARC.

During the late 1960s, USSTRICOM's mission to train quick reaction forces was expanded to include efforts to assure the rapid deployment of riot-trained soldiers in times of civil disorder. To aid this effort and insure military security, USSTRICOM's Director of Intelligence began to develop his own computerized files on civilian political activity.

As was the case at Ft. Holabird, Ft. Monroe and Ft. Hood, the MacDill computer operation was undertaken in late 1967 and early 1968 without civilian authorization of any kind. The primary sources of information for the bank were the U.S. Army Area Monthly Intelligence Summaries, OSI Significant Counterintelligence Briefs and FBI Publications. At least two files were developed: a Counterintelligence Personality File and a Counterintelligence Publications File. Whether USSTRICOM also maintained an incident data file is not known. Print-outs for the two files were sent to the Defense Intelligence Agency and the CIAB in Washington as early as April 26, 1968, but the only portion of the files made available to the Subcommittee was a one-page excerpt from the Personality File.

The content of this print-out indicates that STRICOM's computer was used simply to list items of interest. The absence of special code numbers indicates that this file did not serve as an index to other files, although this print-out from the Personality File may represent only an early format. Reports cited dated back to early 1967, thus pre-dating even the riots of 1967 which spurred CONUS intelligence work. These dates indicate that the Strike Command computer was one of the earliest in operation.

Source designations on the print-out furnished to the Subcommittee also revealed that the Strike Command computer was on a national linkage. One such designation, "TWX 1st USA," indicated that the report was received by teletype from First Army Headquarters at Fort Meade, Maryland. It seems, therefore, that Strike Command was linked to certain, if not all, of the continental armies by a teletype network similar to that which joined the components of Army Intelligence Command. If this inference is correct, the Army operated not one, but two internal security wire services in the late 1960s.

Directorate for Civil Disturbance Planning and Operations

At no time during the first months of the Subcommittee investigation did either the Army or the Department of Defense ever acknowledge that a computer on civilian political activity existed within the Pentagon's domestic war room. Although copies of its print-out were distributed regularly to the Under Secretary of the Army, the Chief of Staff, the Assistant Chief of Staff for Intelligence, the Air Force, Navy, and Marines, the first disclosure of its existence was not made until July 4, 1971, when the *New York Times* published a story about its inaccuracies.⁶⁰

On the basis of an unclassified print-out later furnished to the Subcommittee, it is clear that the DCDPO regularly published a computerized survey of recent and expected political protests that included:

⁶⁰ Christopher Lydon, "Computer Erred on War Protests," *New York Times*, July 4, 1971, p. 14.

⁵⁵ Hearings, p. 265.

⁵⁶ P-1d.

⁵⁷ Hearings, p. 267.

⁵⁸ Hearings, p. 268.

⁵⁹ Letter from Under Secretary of the Army Thaddeus Beal to Senator Sam J. Ervin, Jr., Mar. 20, 1970, p. 4.

- A. The specific location of the activity or event.
- B. The sponsors (organization and leaders) and number of participants, if known.
- C. Narrative remarks describing what transpired (or was expected to transpire).

D. Date of report, source and (sometimes) an evaluation code. The exact title of this computerized report was "Civil Disturbance Anticipated Activities or Events." The issue of October 15, 1969, for example, was 31 pages long. As the following excerpts show, no demonstration was too peaceful or otherwise law-abiding to be included:

* * * * *

A. Nationwide. B. Student Mobilization Committee of Georgia State University, Atlanta, Georgia—NR Pers Unk C. Attempt to Impose Moratorium on 'Business as Usual.' D. Usaintc SR 111-9267-259

* * * * *

A. Countrywide. B. Law Students Unk NR Pers C. Rennard Davis, Chicago Trial Defendant, said that on Oct 25 law students throughout the country would be encouraged to walk out of classes. D. FBI Reports 08 1227 Oct 69

* * * * *

A. Political Participants in 15 Oct Moratorium. Francis W. Sergeant MA Governor and Kenneth M. Curtis Governor of ME Senators Kennedy and McGovern of MA C. Favorable Comments from the Political Sphere Continue. The Boston and Cambridge MA City Councils Pass Resolutions in Support. Senators Kennedy and McGovern will speak on the subject in Boston. A Bipartisan Group of 9 Senators and Congressmen have endorsed the VMD. D. 10 Oct 69 ACSL-CIPC

* * * * *

What other computer operations, if any, were run by the DCDPO (or the Directorate of Military Support as it is now called) is not known to the Subcommittee; the print-out does not cross-reference other files on incidents and activities. On the other hand, the "essential elements of information" listed in early 1969 by the Directorate as information to be obtained in the course of its intelligence-gathering included the following comprehensive guidelines:⁹¹

(1) What are the plans, operations, deployment, tactics, techniques, and capabilities of individuals, groups, or organizations whose efforts are to create civil disturbances?

* * * * *

(3) What are the reactions of minority groups and dissident elements to the effects of changes in Federal, state or municipal laws, court decisions, referendums, amendments, executive orders, or other directives?

(4) What is the composition of the dissident force, e.g. youth, adult, mixed, unemployed laborers, minority group?

(5) What primary organizations are connected with the disturbance in support, sympathy, or participation roles?

(6) Who are the disturbance leaders of national/local influence and to what degree are they involved in planning, publicizing, organizing or directing?

* * * * *

(8) Where are the dissident forces billeted and assembled?

(9) What are the targets and objectives of the dissident forces?

* * * * *

(11) What weapons/explosives does the dissident force have? Is there an organized sniper element?

(12) What communications equipment does the opposing force have?

⁹¹ DCDPO "Essential Elements of Information," Ca. January 1969. Xerox in Subcommittee files.

Although no evidence of other data collections has been received by the Subcommittee, the breadth of inquiry called for in these general guidelines of the DCDPO indicates that other collections pertaining to individuals and organizations may well have been maintained on Pentagon computers.

Comparison of the data banks and the question of control

In addition to an internal, textual examination of each of the data banks, the Subcommittee also compared a number of them. This comparison shed some light on the question of control, on the efficiency of the Army intelligence effort, on its value, and on the arguments advanced on behalf of the Army's need for this kind of intelligence operation.

The absence of effective civilian control has already been established. By their own admissions, the responsible appointees of the Johnson and Nixon administrations were not fully aware of the scope of the intelligence operations being conducted, and to the extent that they were aware, were either unable or unwilling to bring it under civilian control.

On the other hand, both Army General Counsel Jordan and Under Secretary Beal have asserted the existence of close military supervision by the Intelligence Command and CIAB through the Assistant Chief of Staff for Intelligence. But even control by military officials at the upper echelons remain in doubt due largely to the refusal of these military commanders to testify before the subcommittee.⁹² The Army and Defense Department were quite candid in admitting that the discovery of these operations in April 1970 came as a complete surprise even to the responsible military commanders.

The preponderance of the evidence received by the Subcommittee suggests that there was in fact little control from the upper military echelons and that local units had substantial autonomy as regards their intelligence gathering. This conclusion is borne out by the print-outs themselves. Presumably, if there were control from the upper echelons, the data bank print-outs would reflect similar patterns, contents, and formats. But a comparison shows little similarity. The Subcommittee selected sixty active, easily recognized names from the CIAB Compendium. Only 34 of these appeared in the Fort Holabird (USAINTC) print-out and only 27 in the Fort Monroe (CONARC) print-out. A similar selection of 100 names from the CONARC print-out resulted in only 22 of these found in the USAINTC print-out. The print-outs also demonstrate that no standard format was followed. The information collected on individuals and organizations varied, not only in the detail to which it was collected, but also in the manner it was recorded.

Thus it appears that each data bank grew independently with no "close supervision" from a central authority on what to collect or store. Moreover, it is evident that none of the agencies paid any attention to the publications or holdings of the others in deciding why or what should be data banked.

The fact that each of the intelligence systems operated by the various units of the Army developed independently of each other

⁹² Hearings, p. 1217. Letter from DoD General Counsel J. Fred Buzhardt to Senator Sam J. Ervin, Jr., dated Mar. 9, 1971.

is also significant because it demonstrates that the value to the Army of this intelligence, in a practical or functional sense, could not have been great. If these operations had been expected to be of any real value in civil disturbance operations, one could expect the use of a uniform format which would be "decipherable" by any field commander, regardless of the source of the information. One might also have expected a standardized procedure for exchange of information by all the collecting elements, and measures to reduce duplicative intelligence gathering. If it was indeed useful for prediction, for operations, for planning or the like, then why did each intelligence system operate in such a parochial manner?

This discussion does not suggest that it would have been better if the various intelligence and surveillance programs of the Army had been coordinated. Quite the contrary, the dangers to individual privacy and the threat to constitutional rights would have been all the more acute. All that this evidence shows is that surveillance as it was conducted was not useful in terms of operational needs.

The motivating factor for this disjointed, uncoordinated picture of disparate centers independently collecting intelligence seems to have been collection, pure and simple. Little thought was given to procedures or usefulness. The only purpose for these intelligence systems was to collect as much information about as many groups and individuals as possible. The use to which the information would be put was vague; the objectives of the program, ambiguous.

It is clear that these data compilations were largely unknown or ignored by higher officials, both military and civilian. They were stirred neither by the incredible waste and lack of efficiency which marked the data collections, nor by the realization that these domestic intelligence operations might have constituted an intrusion upon civilians' privacy and rights of expression.

THE DECISION TO CUT BACK

So far as the Subcommittee has been able to determine, the first attempt by a responsible official to limit the Army's surveillance of civilians occurred early in 1969. The official was David E. McGiffert, then outgoing Under Secretary of the Army. In conversations with newsmen, he recalled two occurrences that moved him to act. First was a flood of Army intelligence reports he received describing minor labor disputes, prison riots, and similar events of no concern to him as civil disturbance action officer for the Department of Defense. Second was the Justice Department's request to the Army in the weeks following the Chicago convention in 1968 to borrow the 113th MI Group's videotape interviews with radicals for presentation to the grand jury that later indicted the "Chicago Eight." Apparently, McGiffert was unaware of the existence of the videotape until the Justice Department request was received. Upon receipt of the request, an investigation was ordered, the results of which prompted Under Secretary McGiffert to issue a memorandum defining the Army's intelligence needs.

The McGiffert memorandum

The memorandum, addressed to the Vice Chief of Staff and dated February 5, 1969, was entitled "Army Intelligence Mission and Re-

quirements Related to Civil Disturbances."¹³ In it, McGiffert outlined his definition of the Army's legitimate civil disturbance intelligence needs and what he wished done to keep efforts to satisfy those needs within proper bounds.

The Under Secretary's main concern was that CONUS intelligence operations "could result in a diffusion of our limited manpower and in a serious concern about military intelligence generally." As he saw it, civil disturbance intelligence was needed only:

(1) To identify locations (generally large metropolitan areas) with respect to which fairly detailed planning efforts for potential troop commitments need to be undertaken; and to develop the data necessary for such planning.

(2) To determine when to take certain steps—such as altering alert posture, redistributing airlift assets, and prepositioning troops—relating to possible employment of active armed forces in these areas.

(3) To make available to Task Force Commanders actually committed to such areas sufficient information about those personalities, organizations and movements in the community which will likely have a bearing on the nature, intensity and duration of a disturbance.

While conceding that "[i]t is useful for the Task Force Commander to have available to him some information on personalities, organizations and movements * * *" he concluded that "much * * * is of marginal value * * *" and that "adequate information can be developed by relying on liaison activities with local, state and Federal civil police and law enforcement authorities and the state National Guard." To emphasize this point, he rewrote the Army's "mission statement" for civil disturbance intelligence activities to stress reconnaissance, early warning, and "timely combat intelligence" once a disorder was under way. His definition eliminated all reference to any need for information on individuals or organizations.

To curb such embarrassing operations as the "Mid-West Video Associates" interviews discussed above, p. 48, the Under Secretary directed: "[i]n the collection of information, Army intelligence will rely primarily on liaison * * *" and "[c]overt and clandestine collection operations are prohibited unless in accordance with AR 381-115 [the Delineations Agreement of 1949], approved by the Federal Bureau of Investigation and approved in advance in each specific case by the Under Secretary of the Army." To assure that his successor would know more about the sources of Army intelligence reports than he did, McGiffert directed the preparation of quarterly summaries describing the kinds of information which had been collected on "incidents, individuals, organizations, and movements which appear to affect the probability of civil disturbances occurring."

In addition, McGiffert asked the Army General Counsel (who was to be retained by the incoming administration) to explore ways to shift responsibility for the civil disturbance intelligence collection effort to the Department of Justice. Observing that "[t]he various anti-war activities appear to be receiving considerable intelligence effort," McGiffert also asked the General Counsel to confer with the Assistant Chief of Staff for Intelligence, and to draw up a more precise set of guidelines. While "[a]ttention to potential subversion of military personnel is clearly necessary," he wrote, " * * * clandestine and covert activities should be carefully controlled and limited, especially where nonmilitary personnel are involved."

¹³ Hearings, p. 1139.

The Interdepartmental Action Plan

This plan represents the agreement reached in 1969 between the Departments of Defense and Justice in regard to the responsibilities of each department in connection with civil disturbances. Among other matters, it also defines the intelligence responsibilities of the two departments. Despite repeated requests, the Department of Defense steadfastly refused to make a copy of the plan available to the Subcommittee. However, the Subcommittee obtained information about the negotiations between the Justice Department and the Army sufficient to enable it to reconstruct the positions that the two Departments, and the sub-offices within, took on the issue of intelligence collection. In striking contrast to the Defense Department's secretiveness, an unclassified copy of the plan itself was delivered by the Justice Department in response to the Subcommittee's general inquiry into data systems. While the Defense Department treated the plan as though it bore the highest security classification, it was never officially classified.

Both departments alluded in the hearings and in discussions with Subcommittee members and staff to the initial effort by the Army in this period of negotiations to have the Justice Department assume more, if not all, of the intelligence operations surrounding civil disturbances. In particular, the Army General Counsel Robert Jordan attempted to persuade Richard G. Kleindienst, then Deputy Attorney General, that the Justice Department should take over the collection of civil disturbance intelligence. During the negotiations, the Army sought an explicit statement of the responsibility of the FBI as the primary intelligence collection agency, a role consonant with that assigned by the Delimitations Agreement of President Roosevelt. The Justice Department, however, resisted such an explicit declaration. The final result was a document which, at the Army's insistence, deleted all references to the Army's Intelligence Command, and was silent on who would be responsible for intelligence. The Attorney General was given the responsibility for *supervision* of the collection of civil disturbance intelligence, and the IDIU in the Justice Department was to be the repository and analytical center for the information prior to its dissemination to the Defense Department, the Attorney General and the White House.

The civilian Interdivisional Intelligence Unit, and not the military's CIAB, became the government's chief analysis unit. About the same time, the Justice Department created the Inter-Departmental Intelligence Evaluation Committee and invited the Army General Counsel to serve on it. The question of who would be responsible for the actual collection of intelligence was left to future negotiations. The final memorandum, fully titled "Interdepartmental Action Plan for Civil Disturbances," and sent to the President on April 1, 1969, was consequently vague on this point: "Under the supervision of the Attorney General, raw intelligence data pertaining to civil disturbances will be required from such sources of the government as may be available." The continued operation of Army domestic surveillance, while not positively authorized, was at the least implicit.

While the senior civilian representatives of the Army were engaged in this unsuccessful attempt to divest themselves of intelligence responsibilities, the military intelligence officers were persistent in their efforts to retain their prerogatives.

The Beal Memorandum

On March 5, 1969, the Vice Chief of Staff, Gen. Bruce Palmer, Jr., wrote to Thaddens R. Beal, the new Under Secretary, urging that McGiffert's recommendations not be implemented until such time as the civilian agencies were ready and able to fulfill the Army's domestic intelligence requests.⁹⁴ He stressed the inadequacies of the Justice Department intelligence resources and their inability or unwillingness to collect that information thought essential for the military's role in civil disturbance operations. Maj. Gen. Wesley M. Franklin, the Deputy Assistant Chief of Staff for Intelligence, voiced similar objections to what he felt was a reduced role for the Army outlined in an early draft of the Interdepartmental Action Plan. "Unless the Army is clearly a full-fledged intelligence partner of the DOJ/FBI in the receipt and evaluation of collected raw data on a timely basis (or is permitted the freedom of collection on its own behalf), there will not be an adequate intelligence basis on which to base military plans."⁹⁵

On April 24, 1969, Under Secretary Beal qualified the McGiffert memorandum with a memorandum of his own to the Vice Chief of Staff. Having failed to shift the collection of civil disturbance intelligence to the Department of Justice, he found it necessary to equivocate about the Army's role. He began by affirming "the general approach of Mr. McGiffert's memorandum to be sound," but directed that "[f]ull implementation . . . be delayed for the time being until I have had the opportunity to study it in greater detail." He appealed to the General Staff to "explore every possibility within the Department of the Army for reducing our civil disturbance intelligence collection and production efforts" but assured them that "the mandatory effect of the [McGiffert] memorandum is suspended. * * *

To encourage voluntary action, he reaffirmed his predecessor's directive but softened some of its requirements. Thus, while leaving existing operations largely alone, he asked "to be advised before any new, significant civil disturbance intelligence collection projects or research-evaluation projects of general application are undertaken." He continued limits which McGiffert had placed on the dissemination of Army intelligence reports, but granted the Vice Chief and his delegates the authority to determine what information should be distributed widely because of its "general applicability." He supported the practice of distributing civil disturbance intelligence reports, like the CIAB Compendium, throughout the armed forces, the Department of Justice, FBI, CIA, Secret Service, and Department of State, but asked that they not be distributed further without his permission. Similarly, he retained the requirement that covert operations have his approval, but granted the Vice Chief of Staff authority to initiate them in emergency situations should the Under Secretary, the General Counsel, or his deputy not be available to grant permission. In addition, Beal narrowed McGiffert's request for quarterly reports to "collection activities involving interviews with civilian dissident individuals, groups or movements and/or direct observation of civilian dissident individuals, groups or movements; demonstrations, rallies, or meetings; and threatened or actual civil disturbances. * * *

In effect, the short-lived effort by the Army Secretary's office, through Mr. Jordan and Mr. McGiffert, to eliminate or reduce, or at

⁹⁴ Letter on file with subcommittee.

⁹⁵ Letter on file with subcommittee.

least effectively control, Army intelligence operations by-and-large failed. Faced with the reluctance of the Justice Department to assume responsibility for intelligence collection and the opposition of Army intelligence to relinquish it, Mr. Beal, new in his post, effectively nullified the McGiffert memo. Henceforth, the Army continued with little opposition or civilian control until the operations became public in January 1970. The implementing collection plan issued by the Intelligence Command on April 23, 1969, the day before the Beal memo, is a graphic illustration of this failure.

This does not mean, however, there was no formal reaction within the Army to the Beal memo, even though there had been little substantive change in the surveillance program. On May 28, 1969, the Assistant Chief of Staff wrote to the Commanding General of the Intelligence Command to remind him that (1) the Intelligence Command should not undertake any substantial analytical efforts, such as its huge SDS study, on its own, (2) that overall collection should be kept to the absolute minimum, and that (3) the bulk of the collection effort should be by liaison with civilian authorities.⁹⁶

On July 1, 1969, Brig. Gen. Blakefield, USAINTC commander, replied that his command was acting in compliance with the Beal memorandum, and reminded the Assistant Chief of Staff for Intelligence that most "overt agent operations" were conducted in response to requests by the Department of the Army for information that could not be obtained by liaison. He said nothing about the fact that his command had issued its new and all-encompassing collection plan on April 23, 1969, while the more stringent McGiffert memo was still in effect. Nor did he mention that the new collection plan failed to inform agents in the field that (under both the McGiffert and Beal memoranda) authority for all covert operations would have to come from the Army Secretariat, and not some military commander.

In answer to the ACSI's reminder that the Intelligence Command should not undertake any more analytical projects like its SDS study, Gen. Blakefield asserted his commander's prerogative to produce intelligence studies for the internal use of his own command. In effect, then, the follow-up remonstrance to the Beal memorandum, directed to Intelligence Command, produced a response that it was acting in accordance with the Beal memorandum, and no changes in its normal operations were required or would be undertaken.

Surveillance after the 1969 Directives

The failure of the Secretary's office to achieve a voluntary reduction of military surveillance was illustrated in testimony before the Subcommittee about the nature of the operations conducted in the field after those directives had been promulgated. In Colorado Springs, Colo., agents from the 5th MI Detachment continued to infiltrate the local peace movement, a coalition of church youth groups, and meetings of the local poverty board. The first quarterly summary issued April 15, 1969, showed that fully one-third of the Intelligence Command's spot reports were based on "agent observation."⁹⁷ Throughout 1969, the Command produced an average of 1,200 spot reports a month.⁹⁸

⁹⁶ Letter on file.

⁹⁷ Letter on file.

⁹⁸ Richard Halloran, "Army Spied on 18,000 Civilians in 2-Year Operation," *New York Times*, Jan. 18, 1971, p. 1, 22.

It may be that the McGiffert-Beal efforts to restrain covert operations were not communicated to field units, or that their substance was distorted in the transmission. Thomas Filkins, a witness for the government in the case of *ACLU v. Laird*, testified that no directive curbing covert operations was received at Region I of the 113th MI Group prior to June 1970. He added that while his Special Operations unit had been ordered to cease its observations of lawful demonstrations in early 1969, the CONUS Intelligence Section was not so ordered until a year later.⁹⁹

Finally, any pretense of limiting the surveillance was abandoned during the October and November anti-war moratoriums, when Army agents took to the streets and campuses across the nation to report on marches, rallies, and prayer vigils. Only when the surveillance was brought into the open in January 1970 and subjected to widespread criticism in the press and in Congress were the Army's civilian officials able to impose effective restraints.

THE NEW DIRECTIVES

Intelligence agents, left with only ambiguous and capitulating directives, in the form of high level memoranda, continued their domestic activities into 1970.

In January 1970 public attention was drawn to these activities for the first time in a *Washington Monthly* article entitled "CONUS Intelligence: The Army Watches Civilian Politics." Its author, former intelligence captain Christopher H. Pyle, described the Army's domestic activities in vivid detail, provoking widespread protests in both the press and Congress. Inquiries to the Army came from numerous senators and congressmen. Reporters from across the country began digging into what the Army's agents had been doing.

Under this mounting public pressure, the Army began to curb its domestic intelligence activities.

The March 6, 1970, computer ban.—The first step in the Army's effort to bring its intelligence operations into line with its civil disturbance intelligence mission was a memorandum from the Secretary of the Army Stanley R. Resor to the Chief of Staff dated March 6, 1970, and entitled: "Restrictions on Intelligence Operations Involving Civilian Activities." It ordered:

"no . . . intelligence data bank operations relating to civil disturbance or other activities involving civilians not affiliated with the Department of Defense should be instituted without the approval of the Secretary of the Army and the Chief of Staff. In view of the sensitivity of such operations, approvals will not be granted without consultations with the concerned committees of Congress.

In order to insure that no Army element in the United States is maintaining this type of system, I would appreciate your asking all commanders in CONUS, Alaska, and Hawaii, down to the installation level to report whether their command has any form of computerized data banks relating to civilians or civilian activities, other than data banks dealing with routine administrative actions . . . If a command has such a data bank, the data bank should be immediately destroyed, unless a report justifying its existence is submitted for approval as indicated above."

The order said nothing about card files and dossiers, of which the Army had hundreds of thousands, computer indexes to manual files, or com-

⁹⁹ *ACLU v. Laird*, D.C. N.D. Ill., Transcript of Proceedings, p. 890.

puterized data banks of joint commands, such as the DCDPO and the U.S. Strike Command. Indeed, while interested members of Congress received a copy of Secretary Resor's memorandum on March 20, all major commands received a classified directive from the Adjutant General, dated April 1, specifically declaring that "[n]on-computerized data holdings related to civil disturbance or other activities involving civilians not affiliated with the Department of Defense within CONUS, Alaska, and Hawaii do not fall within the terms of this directive." Moreover, the classified directive cautioned that the computer ban was "not intended to restrict normal counterintelligence files concerned with threats to the security of the Army, its materiel, or installations." Since the term "normal counterintelligence files" was not defined, the confidential memorandum left the door open for intelligence units to keep computerized files on the lawful political activities of soldiers and civilians, so long as these files could be justified in terms of monitoring threats to the military. The order also did nothing to redefine, much less terminate, the surveillance and collection activities of the Army. It was directed solely at the means of storing the information—computers. Nonetheless, the Resor memorandum was a start.

The June 9, 1970 Lynch letter.—Still, despite the Resor memorandum and public assurances given both to congressional representatives and the press, public pressure continued. By late May, 1970, the decision was made to end the Army's role in the routine collection of civil disturbance intelligence. To accomplish this, the first comprehensive directive regulating the "Collection, Reporting, Processing, and Storage of Civil Disturbance Intelligence" was issued on June 9, 1970, over the signature of Col. Robert E. Lynch, Acting Adjutant General. It, too, was full of loopholes.

"Henceforth," the letter said, "Army intelligence resources will not be used for collection of civil disturbance information until the Director for Civil Disturbance Planning and Operations . . . has made a determination that there is a distinct threat of civil disturbance beyond the capability of local and state authorities to control." However, a "civil disturbance" was vaguely defined as any "situation in which a civil jurisdiction is required to apply a greater than usual degree of police enforcement in order to insure the maintenance of law and order."

"Covert operations," it continued, "will not be used to obtain civil disturbance information on individuals or organizations without the concurrence of the Federal Bureau of Investigation and the specific approval of each operation by the Under Secretary of the Army." What constituted a "covert operation," however, was not spelled out.

Other provisions declared that "Army elements will maintain the capability of reporting civil disturbance information," and "will be prepared to store civil disturbance information during a period in which there is a distinct threat of, or an actual, civil disturbance . . ." Unfortunately, no criteria, such as a governor's request for troops, were set forth to guide the DCDPO in determining when a "distinct threat" might exist.

The ban on computerized civil disturbance data banks was reiterated, but the disposition of photographic collections, microfilm archives, dossiers, and card files remained in doubt. The letter stated,

however, "Army elements" should be prepared ". . . on order . . . to destroy accumulated files or forward them . . . for release to the Department of Justice."

Finally, the letter concluded with an "escape clause," similar to that stated in Resor's March 6 letter: "Collection requirements related to direct threats to Army personnel, installations, or material are not affected by this letter."

The Lynch letter must be read not as eliminating military surveillance, or even reducing it, but rather as an effort to bring operations under control of higher Army authority. Thus, an order from the Director of the DCDPO was required to initiate collection, the Under Secretary's authorization was required for covert operations, the accumulated information was not ordered destroyed, and units were instructed to retain their surveillance capability. Significantly, the letter did not plainly prohibit domestic surveillance.

The Subcommittee's reaction to the Lynch letter was summed up by the Chairman's letter of July 27 to the Secretary of the Army: "I confess that the exceptions, qualifications, and lack of criteria in your policy letter could lead the average citizen . . . to wonder just how much of a change it represents. . . ." ¹⁰⁰ Similarly, in describing the directive to the Senate on July 29, 1970, he observed: "In some cases the last half of his [Lynch's] sentences seem to cancel out the first half of his sentences." ¹⁰¹

The Subcommittee, therefore, not satisfied with the Army's assurances or controls, pursued its inquiry by sending a detailed list of questions to the Department of Army on July 27, 1970. Hearings were tentatively scheduled for October.

Several weeks later, a letter from the Army Adjutant General came to the attention of the Subcommittee confirming its fears that domestic surveillance may not have been laid to rest by the Lynch letter.

The July 31, 1970, letter on racial matters.—For all its shortcomings, the Lynch letter had been the first serious effort to control Army surveillance. It was aimed at the "CONUS Intelligence" program, the name given to the general civil disturbance intelligence collection. As described above, however, it did not touch surveillance conducted under other claims of jurisdiction or need, nor did it ensure that the same kind of surveillance would not be conducted henceforth under a different name.

This failing was first made manifest by reports the Subcommittee subsequently received from agents which indicated that "CONUS Intelligence" files and information were being relabeled with such titles as "Current Intelligence," in an effort to continue the old program under a new name. The fact that the Lynch letter had not put an end to all civilian surveillance was made even clearer by the disclosure of a classified letter of July 31, 1970, signed by the Army Adjutant General, which purported to impose "Policy Limitations on Counterintelligence Coverage of Racial Matters." This letter, whose classification the Chairman felt was unwarranted, was not declassified until February 10, 1971, following considerable pressure from the Subcommittee. Far from restricting Army intelligence, it permitted

¹⁰⁰ *Congressional Record*, July 29, 1970, S12332.

¹⁰¹ *Congressional Record*, July 29, 1970, S12332.

surveillance of all "[a]gitation, propaganda, or organized effort directed toward Army personnel or conducted on an Army installation, the consequences of which threatens the capability for mission accomplishment by an Army element." What constituted agitation, propaganda, or organized threats to the mission was not defined. Moreover, a threat to the mission was not a precondition to surveillance if the commander could find that the racial activities were "designed to interfere with good order and normal functioning through disruptive tactics on Army installations." No guidance was offered to commanders on how to draw the line between constitutional-protected expression and "disruptive tactics." Nor were any restraints imposed on the methods of collection to be used.

The December 15, 1970, letters.—In December 1970 public concern over military surveillance intensified with new disclosures that Senator Adlai Stevenson and Congressman Abner Mikva, both of Illinois, had been subjects of military surveillance (see page 101). In addition, the National Broadcasting Company on December 1, 1970, telecast a one-hour documentary disclosing further repugnant uses of Army intelligence agents.

These incidents and the flurry of comment which they inspired in Congress and the press put new pressure on the Army and Defense Department in regard to their domestic intelligence policies. On December 15, 1970, the Army quietly issued several new letters, including one which greatly broadened Colonel Lynch's earlier letter of June 9th. The principal directive, signed by Maj. Gen. Kenneth G. Wickham, the Adjutant General, represented a thorough rethinking of the Army's domestic intelligence needs. Unlike the Lynch letter of June 9, it reached beyond the civil disturbance program to regulate all "Counterintelligence Activities Concerning Civilians not Affiliated with the Department of Defense."

Situations warranting the collection of information on civilians by any and all means, including infiltration, henceforth were to be limited to:

- (1) attempts to subvert loyalty, discipline, or morale of Department of Defense military or civilian personnel by actively encouraging desertion, disobedience of lawful orders or regulations, or disruption of military activities.
- (2) theft of arms, ammunition, or equipment, or destruction or sabotage of facilities, equipment or records belonging to Army units or installations.
- (3) threats to the security of Army elements or operations or to classified defense information through espionage on behalf of any recipient, foreign or domestic.
- (4) unauthorized demonstrations on active duty or reserve Army installations or through demonstrations immediately adjacent to them which are of such a size or character that they are likely to interfere with the conduct of military activities.
- (5) threats of physical violence to Department of Defense military or civilian personnel in connection with their official activities.
- (6) threats to the physical safety of governmental officials who have been authorized protection by Army resources.

(7) threats of sabotage or espionage directed against Federal installations for which the Army has been delegated Department of Defense responsibility.

The definitions appeared to limit military intelligence gathering to situations in which the military had a particular interest. A very significant advance is illustrated by item 1 which defined "subversion"—perhaps for the first time—in terms that an intelligence agent could understand without resort to his own (or his commander's) political proclivities. The speech or action must be expected to actively encourage "desertion, disobedience of lawful orders or regulations, or disruption of military activities" in order to warrant surveillance. Although the word "disruption" might have merited further explication, the definition as a whole, if strictly construed and enforced, offered explicit guidance in line with legitimate military concerns.

In addition to defining with more precision the Army's needs for information about unaffiliated individuals and organizations, the directive also forbade Army units to summarize or store any information in any form that was not warranted for collection under the enumerated categories. In particular, it banned the preparation of biographical sketches (officially called "characterizations") of civilians, or statements describing the nature and intent of civilian organizations except to the extent necessary to determine the existence of a situation warranting collection, or to assist Army officials in evaluating requests for speakers, drill teams, bands, or other forms of civic support.

Another Adjutant General's letter issued the same day and entitled "Restrictions on Computerized Data Bank Operations Involving Civilian Activities" further plugged some of the loopholes in the Resor memorandum of March 6, 1970, and the Adjutant General's letter of April 1. "Paragraph 5 of the [April 1] . . . letter," it announced, "is not intended to grant authority for the use of computerized files." Moreover, "[t]he fact that information is received from another agency concerning the investigation of a civilian not affiliated with the Department of Defense is not justification for inclusion of such information in computerized data. Exception to the prohibition stated in paragraph 2 above will be granted only by the Chief of Staff, Army, and Secretary of the Army, and then only after consultation with appropriate committees of Congress." Which committees of Congress, and which computerized data it was referring to, were not specified.

An exception was granted the very same day without consultation with or notice to this Subcommittee or, to our knowledge, any other congressional committee. The Adjutant General wrote to the Commanding General of the Intelligence Command, authorizing him to continue to store FBI reports on civilians unaffiliated with the Department of Defense, even though the information in them did not arise out of any of the "situations warranting collection" outlined in the principal directive of December 15. The exemption was to be a temporary one, pending a study by the Secretary to determine whether the Investigative Records Repository held by USAINTC would be permanently exempted from the prohibition against storage of FBI reports on non-affiliated civilians. This Subcommittee has yet to be notified of the outcome of that study.

By December 15, 1970, then, the Army had attempted to bring its intelligence operations in line with its proper mission, the law, and

the Constitution. But neither the Subcommittee nor, as it happened, the Secretary of Defense, was totally satisfied with its efforts.

The Laird Order of December 23, 1970.—Despite the Army's efforts to reform, no politically active citizen could be assured that he was safe from military surveillance so long as the Navy, Marines and Air Force went unrestrained by similar regulations. Moreover, the military's penchant for issuing classified exceptions to unclassified restrictions rendered the Army directives poor insurance against a reversal of policy once the controversy died down. The very reluctance of the Army in coming as far as it had indicated its inclination to return to large scale surveillance. When it was revealed that Congressional Representatives had been subject to Army surveillance (see p. 101) in December 1970, Secretary Laird was finally provoked to assume responsibility by issuing special instructions cautioning against any intelligence operations infringing on the constitutional rights of citizens. The Laird order declared that the Secretary of Defense was assuming direct control of military intelligence. It restructured the line of command in intelligence matters to the Secretary, as opposed to the Joint Chiefs. In the order, Secretary Laird announced a 90-day deadline for organizational changes reflecting this revolutionary shift in the flow and control of military intelligence from the Joint Chiefs to the civilian leadership in the Department.

It should be noted incidentally that the Laird order was far more comprehensive than his acquiring jurisdiction over domestic surveillance. It applied to all intelligence, foreign or domestic. As such, it appeared to some observers that the Secretary was taking advantage of the domestic surveillance controversy to reorganize and obtain control of the entire military intelligence system. To this extent, the full implications of the Laird order lie outside of the Subcommittee's present concern. What is significant is the fact that the Secretary assumed responsibility for military surveillance, having finally decided, after a full year's worth of revelations, the matter was not being properly handled.

The DOD Directive of March 1, 1971.—The Subcommittee's hearings, tentatively scheduled for October 1970 were postponed until February 1971. In part, this was due to the press of an election year; in part, to the Army's slow response to Subcommittee inquiries sought for preparation of the hearings. The basic letter of inquiry, sent by the Subcommittee on July 27, 1970, was not answered by the Army until November 27th.

In any case, on February 23, 24 and 25, and on March 2, 3, 4, 9, 10, 11, 15, and 17, hearings were conducted by the Subcommittee. In the midst of these sessions, on March 1, 1971, the Department of Defense formally issued a directive which implemented the December order of Secretary Laird: "DOD Directive 5200.27, Subject: Acquisition of information concerning Persons and Organizations Not Affiliated with the Department of Defense."

This directive remains in force today. In large part, it is based on the Laird order and the Army policy statement of December 15, 1970. The essential concept is that military intelligence should not monitor the political activities of civilians unaffiliated with the Department of Defense except in certain narrowly defined situations, and should not participate in the collection of civil disturbance information unless

(1) the Justice Department fails to provide it, (2) the Secretary of Defense (or his designee) finds a distinct threat of civil disturbance to exist, and (3) he accordingly authorizes the collection activity.

The situations in which military intelligence can regularly collect information on civilians also are drawn, with few changes, from the December 15, 1970, Army directive. The definition of "subversion" is expanded to encompass solicitations to all crime, not just desertion. Otherwise, it remains unchanged. The section authorizing collection of information about demonstrations at military installations is narrower than the earlier Army directive but permits intelligence-gathering where defense personnel or activities are "threatened" by undefined sorts of activity. Regrettably, what constitutes a "threat" is not specified, nor is any guidance given in defining a defense facility. Should it include ROTC offices, Armed Forces Examining and Entrance Stations, draft boards, research centers, recruiting stations, or National Guard armories located within the civilian community? Intelligence-gathering is also authorized in connection with the "crimes for which DoD has responsibility for investigating and prosecuting," rather than only the investigation of sabotage and espionage, which had been the only crimes mentioned in the earlier Army directive.

But while the DoD directive does go far toward curbing the routine surveillance of civilian politics, it does not prevent the retargeting of military intelligence operatives against politically active citizens whose bent is anti-military. Nor does it fully guard against exclusive monitoring in times of threatened mass violence. Section C of Part IV also provides that authority to resume civil disturbance monitoring "will only be granted when there is a distinct threat of a civil disturbance exceeding the law enforcement capabilities of state and local authorities." However, no such finding is required in Part V before the Secretary or his designees authorize:

(1) "covert or otherwise deceptive surveillance or penetration of civilian organizations," or

(2) direct observation of "public or private meetings, demonstrations, or other similar activities for the purpose of gathering information . . ." Indeed, the directive provides that "An exception [to the general ban on direct observations] . . . may be made by the local commander concerned, or higher authority, when in his judgment, the threat is direct and immediate and time precludes obtaining prior approval." Another provision allows the Secretary or his designee to authorize new computerized data banks on civilians, and makes no provision for notice to concerned members of Congress.

These provisions hardly can be called simple loopholes. They acknowledge that the Secretary of Defense is always free to abrogate his directives whenever he wishes. The directive does not build a wall of separation between military spies and their former civilian targets: it only requires that the decision to reactivate the surveillance be made at the highest level of the Defense Department. It tightens civilian control over military spying, but this is still control vested in the military arm of the Executive Branch. It does not make military surveillance

illegal, nor does it provide any assurance that surveillance will not again be undertaken, or that the limitations now placed upon it will someday be relaxed. It is clearly not an adequate substitute for congressional legislative prohibitions.

The Defense Investigative Review Council (DIRC).—Implementation of the new directive has been turned over to the Defense Investigative Review Council, a special committee established on February 17, 1971, "to ensure," according to Mr. Froehke, "that in carrying out Department of Defense missions, investigative and related counterintelligence activities are consistent with individual constitutional rights, legal provisions, and traditional understandings of the American public of relationships of military investigative activities and the civilian community."¹⁰²

DIRC is chaired by the Assistant Secretary of Defense (Administration) and includes the General Counsel of DoD, the Under Secretaries of the Army, Navy, and Air Force, and the Director of the Defense Intelligence Agency. Its immediate mission appears to be 1) to make sure that each service revises its counterintelligence directives and collection plans in line with the new DoD directive, and 2) to monitor their compliance with the new policy. Beyond that, DIRC may review other counterintelligence and personnel security operations of the Defense Department.

The DIRC is supported on a day-to-day basis by the Defense Investigative Program Office, manned at present by two professionals and one clerical employee. In addition, a DIRC Working Group, composed of representatives from each of the DIRC principals, acts as a continuing action staff to prepare studies, make recommendations, and participate in inspections of intelligence activities throughout all branches of the military.

While the Subcommittee at this point has no means of evaluating the effectiveness of DIRC, it is hoped that the Council will take seriously its role as monitor of the military surveillance system. Unfortunately, the fact that the Council is composed of senior officials in the principal departments who may be more concerned with presenting a picture of compliance than with exposing deception, does not augur well. In addition, the council is located at Defense Department level, making it relatively isolated from the actual intelligence-gathering taking place in field offices. Whether these obstacles will render the program ineffective remains to be seen.

DA letter of June 1, 1971.—On June 1, 1971, the Army issued a new order implementing DoD Directive 5200.27 and restating the Army's policy with regard to the "Acquisition of Information Concerning Persons and Organizations not Affiliated with the Department of Defense." For the most part, it reproduces the DoD directive word for word. Nonetheless a few additions and alternations should be noted. First, it asserts that "No other Department of the Army or subordinate command regulation, policy letter, circular or other form of authority, classified or unclassified, may be used to justify activities forbidden by this letter." Second, it returns to the language of the December 15 directive to permit monitoring of "demonstrations immediately adjacent to [active or reserve Army installations] . . . which are of such a size or character that they are likely to inter-

¹⁰² Hearings, p. 395.

fere with the conduct of military activities. For the purpose of this subparagraph, ROTC installations on civilian campuses are not considered to be active or reserve Army installations, and coverage of demonstrations at or adjacent to such installations is not authorized under the authority of this subparagraph, "although it does not state whether it is authorized under some other subparagraph. "Armed forces induction centers located off-post are considered to be active DoD installations." However, the status of draft boards, research centers (e.g. the Army Mathematics Center at the University of Wisconsin), and National Guard armories is not resolved.

Third, the Army letter makes it clear that OACSI (i.e., the Counterintelligence Analysis Detachment) will receive and analyze all civil disturbance intelligence furnished by civilian agencies. It is specifically authorized "to use general information from public media to supplement the information received," but is forbidden to gather "background information about the beliefs of civilians or the nature of civilian organizations . . . in this manner . . ." Nor may it create files on such individuals and organizations.

Fourth, the Under Secretary of the Army—rather than the Secretary of the Army or the Director of Military Support (formerly DCDPO)—must decide when a "distinct threat of civil disturbance" exists, thereby bringing surveillance into play. "The required Secretarial determination must be formal and, except in emergency situations, in writing; in any case, formal written confirmation must be obtained even when a temporary oral authorization is given."

Fifth, the letter provides that "Army military intelligence elements will employ methods of collection other than liaison [in connection with civil disturbances] only on order of Department of the Army." This cryptic provision is curious, because "liaison" is not defined, nor is the decision to allow surveillance left specifically to the Secretary of the Army. It most certainly requires elaboration.

Finally, the directive notes that "[a] request from another agency for information does not provide authority for actions which would otherwise be in violation of this letter." Thus it requires that permission be obtained from DA for any surveillance of non-affiliated civilians carried out in conjunction with the FBI, the Secret Service, or any other agency.

EFFECT OF THE NEW DIRECTIVES

From this survey of the new directives, several conclusions are in order. First, the Departments of Army and Defense have come far in redefining their domestic intelligence requirements. The early Army directives evinced a troubling lack of awareness both of what Army intelligence was doing and what it was supposed to do. Their language was vague and overbroad, and classified orders not revealed to Congress tended to undercut the restrictions imposed by the unclassified orders which were shown to Congress. The December 15th Army directive, on the other hand, marked a new awareness and determination to keep military intelligence from monitoring civilian protest politics.

Second, despite this awareness and determination, nothing really stands in the way of a reversal of policy. The latest directives and

the President's pledge that military surveillance of civilians "will not be done under this Administration,"¹⁰³ are commendable, but what happens when the current controversy is forgotten and new men are in power? Those who now offer assurances cannot speak for their successors.

Moreover, there often is a wide gap between policy and practice. Will these new directives be followed? Will their implementation be effectively monitored by the military? By Congress? The past gives one cause to doubt.

DECEPTION, COVER-UP, AND NON-COMPLIANCE: 1970 AND BEYOND

In appraising the effectiveness of any bureaucratic reform, the focus of attention must be how the reforms affect the behavior of the man in the field. High level policy statements which do not find their way down to him are worse than meaningless. They cannonfudge reality.

During the year between the first revelations and the Subcommittee's hearings, the Subcommittee staff was in contact with scores of Army agents and analysts, and thereby was in a position to gauge the effectiveness and meaning of the various pronouncements, orders and directives which flowed from the Pentagon. The information obtained from these "grass roots" sources varied greatly from that received from official channels.

At Fort Holabird, the immediate reaction of intelligence agents to publication of Pyle's first article was to remove from the files, and thus from the view of the anticipated inspectors, all records referred to by him. About the same time telephone calls were made from the Operations Center to every MI group instructing them not to destroy files, but to hide them until the controversy was over. In a meeting at the Pentagon some time in mid-January 1970, Brig. Gen. Blakefield specifically denied that his command maintained a "blacklist" or a computerized data bank on dissidents.¹⁰⁴ His denials were reiterated by the OACSI task group established to investigate Pyle's charges and to prepare answers to congressional inquiries. According to Edward Sohler, a member of that group, the denials were deliberately intended to mislead or deceive civilian officials. "They were afraid that if they told Jordan (the General Counsel) anything, he would pass it on to the press."¹⁰⁵

Consequently, when the Army issued its first public statement in response to the charges on January 26, 1970, it was patently misleading. As Mr. Pyle testified:¹⁰⁶

... In the jargon of the spy trade, such admissions are known as "plausible denials," because they are invested with just enough truth to mask an essential falsehood. Thus the Army confirmed the existence of the nationwide intelligence apparatus (true), but said that it collected political intelligence only "in connection with Army civil disturbance responsibilities" (false). "Civil disturbance incident reports are transmitted over . . . (an) automatic voice network teletype sys-

tem to the U.S. Army Intelligence Command headquarters" (true) and "information on incidents by types and geographical location is placed in the data bank from keypunched cards" (also true). But "this is incident information only and does not include individual biographies or personality data" (false).

The statement also acknowledged that the Army "does publish an identification list, sometimes with photos, of persons who have been active in past civil disturbance activity" (true), but failed to mention that the list (actually a booklet) also contained descriptions of persons and organizations never involved in civil disturbances.

Finally, the Army admitted in a backhanded way that its agents had infiltrated civilian political groups: "For some time there has been a special prohibition against persons undertaking such activities as undercover operations in the civilian community." Of course, it did not say when the order was issued or whether it had been obeyed.

It was not until mid-February 1970 that the Army General Counsel discovered that he had been misled about the Biographic Data File at Fort Holabird. Only later did he learn of other computers at Fort Monroe and Fort Hood. Meanwhile, on February 26, he assured this Subcommittee that "No computer data bank on civil disturbance information is being maintained . . ." ¹⁰⁷

Some insight into the deception and cover-up which marked local intelligence operations and kept the Army General Counsel and this Subcommittee in the dark is provided by the following letter, received in mid-March 1970 by Rep. Cornelius E. Gallagher (D-N.J.) from sources close to the 116th MI Group:¹⁰⁸

On the morning after news reports about the dismantling of the CONUS system first appeared in the Washington papers . . . members of the 116th were . . . informed that their unit and its operations would be unaffected. . . . They were told that the only major effect of the Congressional and press criticism would be destruction of the national data bank and related files that were kept at Fort Holabird. Files kept by the regional M.I. groups would remain intact, and members of the M.I. Groups would continue their operations of surveillance, infiltration, and reporting as previously.

In addition, all files and operations of the 116th were to be classified to prevent the release of any information about them; disclosure of such information would subject people who released that information to court-martial or prosecution in civilian court for violation of national security.

At the same time, MI groups throughout the country began replacing all two and three-year agents assigned to CONUS intelligence sections with career agents to guarantee still further that Congress, the public, and the Secretary of the Army would not learn of their activities.

Thus, despite the McGiffert and Beal memoranda of 1969, the national controversy which began in January 1970, and the Army General Counsel's effort to fend off the Congress and the press while trying to assert a measure of control, MI groups on their own initiative still geared up in May 1970 to monitor the Cambodia-Kent State

¹⁰³ *Los Angeles Times*, Dec. 18, 1970, p. 1.

¹⁰⁴ This information, supplied by confidential sources, was confirmed by the Army General Counsel in an interview with Jared Stout of Newhouse News Services on Dec. 3, 1970. See "Army Spy Mystery Deepens," *Newhouse News Services*, Dec. 4, 1970.

¹⁰⁵ Hearings, p. 217.

¹⁰⁶ Hearings, pp. 206-7.

¹⁰⁷ Letter from Army General Counsel Robert E. Jordan III to Senator Sam J. Ervin, Jr., Feb. 26, 1970, p. 4.

¹⁰⁸ Hearings, p. 209.

protests. In Washington, D.C., only a last minute order from the Pentagon prevented deployment of the assembled agents. In Chicago and Minneapolis, agents were deployed.

How field units avoided the Spring 1970 directives was revealed by a witness for the government testifying in the case of *ACLU v. Laird*. Thomas Filkins, civilian head of the Special Operations Section of Region I of the 113th MI Group, testified that because the cut-back was directed at the work of the CONUS Intelligence Section, he concluded that his own section was still authorized to report on civil disturbance incidents, even where those incidents were within the capability of local and state authorities to control.¹⁰⁹

The order to destroy regional and local files was issued shortly after publication of the Lynch letter of June 9. Pyle explained how this order was implemented:¹¹⁰

* * * Resistance to the directive was greatest at the region and headquarters levels. There the bulk of the CONUS intelligence records were maintained under the supervision of "intelligence civilian career personnel" (ICCPs).

Emotionally, the ICCPs were as repelled by the order to destroy files as most scholars would be by an order to burn books. The files were the stock and symbol of their profession, as well as the chief product of their labors. In addition, if the CONUS intelligence operations actually were abolished in the midst of an economy drive then going on many ICCPs would be in danger of losing their jobs.

Thus, as soon as the Lynch letter was received, the search for loopholes began. They were not difficult to find. Personality files were poured into organizational files, which in turn became "local intelligence studies" of "subversive" elements in the surrounding community. . . . Files on anti-war groups were redesignated for inclusion in the RITA program, even in the absence of evidence indicating that the groups had ever sought to undermine military discipline or unlawfully obstruct recruitment. Within CONARC, the policy letter was distributed along with a note instructing intelligence officers to continue to clip newspapers. Since the commanding general still wanted civil disturbance reports from his own units, CONARC's system continued to run—on clippings and paste!

Where loopholes could not be found, personality and organizational files were hidden or disguised. The Counterintelligence Analysis Detachment (formerly Branch) obeyed the order to destroy its copy of the Compendium—but not until after it had put both volumes on microfilm. As a clerk in that office recalled: "The tendency was to keep the information while obeying the order. . . . The order didn't say destroy the information, just destroy the Compendium." Deceptions were encouraged by rumors that the controversy would soon blow over, and that when it did, those who saved records would be rewarded for their foresight.

The Subcommittee has received a number of reports which indicate that the Army's CONUS intelligence program was still operating—on a greatly reduced basis and under a new name—as late as Decem-

ber 1970, on the eve of the Subcommittee's hearings.¹¹¹ Still others indicate that covert penetrations of civilian groups did not end before February 1971.

Deception at the field level also appears to have plagued the Defense Department's investigation of charges that the 113th MI Group maintained files on Senator Adlai Stevenson III (D-Ill.), Rep. Abner Mikva (D-Ill.), Judge Otto Kerner and approximately 800 other citizens of Illinois. On December 17, after questioning the commanding officer of the 113th, Secretary Resor announced: "On the basis of information I have received, I can state that neither Senator Stevenson, Representative Mikva, nor Governor Kerner are or ever have been the subject of military intelligence activities or investigations relating to political activities. Allegations to the contrary are without foundation in fact." The Secretary did not specify that his "information" appears to have been based exclusively on the word of with one middle-level civilian employee at the Evanston office. The Secretary's statement, while it sought the effect—and partially achieved it—of being a categorical denial, was actually a carefully phrased equivocation. On March 2, 1971, Assistant Secretary of Defense Froehke retracted that denial. Testifying before this Subcommittee, he acknowledged the existence of files on Senator Stevenson and Representative Mikva.¹¹²

A related development indicated that deception was not confined to subordinate levels. On July 21, 1971, in response to an inquiry from the Chairman, then Acting Army General Counsel Kenly Webster reported that the deputy commander and the director of CONUS intelligence operations at the Intelligence Command had been onsted for covering up the use of an Army agent to conduct an investigation for a private corporation.¹¹³ The investigation was conducted into the activities of a civilian messenger for Western Union who lost his job as a result. The Army agent who conducted the investigation protested when he learned its purpose, but the Director of Investigations at Fort Holabird threatened him with prosecution if he revealed what he knew. The investigation was justified, the agent was told, since it involved "elements of a highly classified and sensitive intelligence operation, the full scope of which you have no need to know."

All of these incidents of deception indicate that Army intelligence simply cannot be trusted to monitor and police its own system. But they also leave doubt as to the Defense Department's ability to monitor and police itself, which is precisely the framework now provided by DOD Directive 5200.27. The Defense Investigative Review Council, as discussed above, is designed for this purpose, but its independence may be limited since it is composed of senior officials within the Defense Department whose primary interest may be likely only to promote an appearance of compliance with the DOD Directive, and not to safeguard individual rights.

¹¹¹ Hearings, pp. 156-160.

¹¹² Hearings, p. 389.

¹¹³ Hearings, pp. 1451-6.

¹⁰⁹ *ACLU v. Laird*, N.D. Ill., Transcript of Proceedings, pp. 893-95.

¹¹⁰ Hearings, p. 216.

PART II: THE LEGALITY OF SURVEILLANCE

The discussion which follows will identify and, ultimately, resolve the legal issues presented by the military surveillance of civilians.

To accomplish this, the Subcommittee has relied in particular upon the briefs and judicial opinions generated in two lawsuits challenging the constitutionality of surveillance in federal courts. The first, *Tatum v. Laird*, 408 U.S. 1 (1972) was decided by the Supreme Court on June 26, 1972. The original complaint was filed in the U.S. District Court for the District of Columbia on February 17, 1970, and was subsequently dismissed without a hearing on April 22, 1970, for failure to state a claim upon which relief could be granted.¹¹⁴ This dismissal was overturned on appeal to the Court of Appeals for the District of Columbia Circuit on April 27, 1971, and a full evidentiary hearing was ordered.¹¹⁵ The Justice Department petitioned the Supreme Court to overturn this decision. The Court granted certiorari and oral arguments were heard March 27, 1972. An amicus brief was submitted by the Subcommittee chairman, in his private capacity as a member of the Supreme Court bar, on behalf of four religious organizations who allegedly were subject to surveillance. The brief urged affirmance of the Court of Appeals decision. The Supreme Court instead reversed the Court of Appeals, dismissing the complaint for failure to state a claim upon which relief could be granted.

The second lawsuit on which we have relied is *ACLU v. Laird* (formerly *ACLU v. Westmoreland*) 323 F. Supp. 1153. The suit was filed in the District Court for the Northern District of Illinois (Eastern Division) on December 21, 1970, on behalf of a group of individuals alleged to be subjects of military surveillance. The District Court similarly dismissed the complaint when, after four and a half days of testimony, it concluded that Army intelligence had been too inept to inhibit anyone from exercising his constitutional rights.¹¹⁶ The Court of Appeals for the Seventh Circuit affirmed and, relying on the Supreme Court's decision in the *Tatum* case, dismissed a petition for rehearing.¹¹⁷

In addition to the discussion of legal issues arising in the course of these lawsuits, the Subcommittee has also had the benefit of testimony and correspondence on the matter of the legality of surveillance by attorneys from the Department of Defense, the Department of Justice, the American Civil Liberties Union, and by legal scholars throughout the country.

From all of these scholarly legal deliberations, three issues emerge from military surveillance of civilians:

First: Was military surveillance of civilians authorized by law?

Second: Did it, or could it, infringe upon constitutionally-guaranteed rights of speech, religion, association, and petition?

Third: If an infringement of constitutionally-guaranteed rights was entailed, was it justified by a compelling government interest?

IS MILITARY SURVEILLANCE OF CIVILIANS AUTHORIZED BY LAW?

The question of the Army authority to conduct surveillance of civilians and civilian organizations consists of two related questions: (1) Is such surveillance authorized by law?; and (2) if so, was the surveillance which was carried out within the scope of that authorization? We shall treat each of these in turn.

General authority for domestic intelligence operations has been claimed¹¹⁸ from the general constitutional power of the President to "faithfully execute" the law, in Article II, Section 3; from Article IV, Section 4, which provides that "The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be Convened) against domestic Violence;" and from Title 10, Section 331 through 333, of the *United States Code* (reprinted in Appendix p. 119). These statutes implement the Constitution and give the President the power to use armed forces to "suppress insurrection" or "domestic violence" within the states. Section 3012 of Title 10 further charges the Secretary of the Army with its "maintenance, welfare, preparedness and effectiveness."

Neither the Constitution nor these statutes expressly authorizes the armed forces to collect domestic intelligence. Whatever authority exists for it can only be inferred from them as a necessary corollary to the effective accomplishment of the domestic role which they are explicitly given, namely, suppressing "domestic violence."

There is no disagreement that some amount of preliminary information to prepare military forces to assume this responsibility is necessary. Even the most resolute critics of military surveillance acknowledge the Army's need for maps and descriptions of potential areas for domestic violence, for transportation and supply routes, for knowledge of possible troop garrison points and supply facilities, and other such "logistical" information.¹¹⁹ But whether the implied requirement for preliminary information should extend to the use of military intelligence agents to conduct political surveillance of civilians and civilian organizations is yet another question.

Those who conducted or were responsible for the monitoring of civilians naturally defended these practices as being "reasonably related" and, therefore, implicitly authorized by the Army's civil disturbance mission. The "reasonableness" of the monitoring, claim the defenders, can be explained by the prevailing fear at the time these operations began of additional and perhaps more devastating civil disturbances than had taken place in the mid-1960s. Then Assistant Attorney General William H. Rehnquist stated:

Given the frequency with which Federal troops were in fact used and alerted during that period of time, from the Watts riots

¹¹⁴ *Tatum v. Laird*, Civil Action No. 459-70.

¹¹⁵ *Tatum v. Laird*, D.C. Cir. No. 24-203, Apr. 27, 1971.

¹¹⁶ See *ACLU v. Westmoreland*, *Transcript of Proceedings*, pp. 1165-71.

¹¹⁷ No. 71-1159, July 12, 1972.

¹¹⁸ See the Justice Department's brief in the Supreme Court in the case of *Tatum v. Laird*. Also testimony of Army Secretary Robert F. Froehke. Hearings, p. 376.

¹¹⁹ Hearings, p. 225. Also, *Brief for Appellants, Tatum v. Laird*, D.C. Cir. No. 24, 203, p. 25.

on, and the possibility that they might be called up on very short notice, investigative activities that were directed to determine the possibility of domestic violence occurring at a particular place or at a particular time would appear to be clearly authorized . . .¹²⁰

Secretary of the Army Robert Froehlke also alluded to the frantic climate which existed in the wake of the ghetto riots and mass demonstrations: "Throughout the period 1965-1968, there was a crisis-oriented attitude with respect to civil disorders. During the entire period, heavy emphasis was placed by civilian and military officials at the highest levels of Government on improving the preparedness of the Federal Government structure, including the military, for dealing with multiple, large-scale civil disturbances."¹²¹

These spokesmen point to certain Defense Department directives appearing at this time as evidence of the increased concern by civilian authorities over the military's preparedness for its role in civil disturbance. Chief among these is the Department of Defense Directive No. 3025.12, promulgated on June 8, 1968,¹²² which directs that the Secretary of the Army will serve as the "Executive Agent for the Department of Defense in all matters pertaining to the planning for, and the deployment and employment of military resources in the event of civil disturbance." The same directive assigned to the Secretary the responsibility of "Providing essential planning, operational and intelligence data to the National Military Command Center and the military service command centers on a timely basis to insure that the National Command Authorities and appropriate military service command authorities are adequately informed."

Previous civil disturbances, point out the defenders, found the military forces ill-informed and thus ill-prepared. They refer to the report of the Kerner Commission which found:

The absence of accurate information both before and during a disorder has created special control problems for police. Police departments must develop means to obtain adequate intelligence for planning purposes, as well as on-the-scene information for use in police operations during a disorder. An intelligence unit staffed with full-time personnel should be established to gather, evaluate, analyze, and disseminate information on potential as well as actual civil disorders. It should provide police administrators and commanders with reliable information essential for assessment and decision making. It should use undercover police personnel and informants but it should also draw on community leaders, agencies, and organizations in the ghetto.¹²³

The after-action report of presidential representative Cyrus Vance following the Detroit riots in 1967-68 is also pointed out as showing the recognized need for intelligence in preparation for civil disturbance:

The assembly and analysis of data with respect to activity patterns is needed. I believe it would be useful to assemble and analyze such data for Detroit, Newark, Milwaukee, Watts, etc.

There may be "indicator" incidents; there may be typical patterns of spread; there may be a natural sequence in the order in which the several types of incidents occur. All of these should be studied.¹²⁴

In addition to the need for intelligence to prepare for disturbances, it was also stressed that military forces needed such intelligence to conduct on-the-scene civil disturbance operations. The Justice Department likened such forces to local civilian police:

When the National Guard or the U.S. Army moves in to restore order, their function is unquestionably in the role of a policeman; they simply accomplish what the police lack in number of men to do. They patrol streets, make arrests, regulate traffic, and try to calm down angry crowds just as local policemen would do. In performing those duties, they necessarily require some of the same tools as a police force, both to quell the disturbances and to perform an equally important function, the prevention of further disturbances.

In order to carry out these duties as efficiently as possible, both the Army and the police must have an awareness of group tensions, what forces exist, the nature and size of discordant groups, and they must be capable of estimating the explosive possibilities of colliding philosophies.

Clearly, the only way this information can be made available to the Executive Branch and the Army or the National Guard in time for it to be used effectively when those components are called upon to exercise their police responsibilities is for the information to be gathered and placed under current analysis ahead of time. And it must be gathered by the force which will ultimately use it, for there is never sufficient time between the disorder and the subsequent Presidential order sending the armed forces to the troubled areas for the police to transmit the information to the armed forces and the armed forces then to disseminate the information to the local commanders.¹²⁵

Finally, the defenders of military surveillance, while conceding the fact that with hindsight much of the intelligence which was collected by the military was irrelevant and useless, argue that this does not mean that the authorization for such an operation was any less valid. They cite approvingly the statement of Justice Holmes in *Schenck v. United States* that "[t]he character of every act depends upon the circumstances in which it was done."¹²⁶ They also cite the Court's decision in *Korematsu v. United States* which upheld the authority of the government to inter Japanese-Americans during World War II:

. . . [W]e cannot reject as unfounded the judgment of the military authorities and of congress that they were disloyal members of that population, whose numbers and strength could not be precisely and quickly ascertained. We cannot say that the war-making branches of the Government did not have ground for believing that in a critical hour such persons could not be readily isolated and separately dealt with, and constituted a menace to the national defense and safety, which demanded that prompt and adequate measures be taken to guard against it.

¹²⁰ See Hearings, p. 599.

¹²¹ Hearings, p. 379.

¹²² Department of Defense Directive No. 3025.12 dated June 8, 1968, subject: Employment of Military Resources in the Event of Civil Disturbances, p. 5.

¹²³ Report of the National Advisory Commission on Civil Disorders (Washington, D.C.: U.S. Government Printing Office, 1968), p. 269.

¹²⁴ Hearings, p. 379.

¹²⁵ Brief for Appellees, *Tatum v. Laird*, D.C. Cir. No. 24, 203 (1970-71).

¹²⁶ 249 U.S. 47, 52 (1919).

We cannot—by availing ourselves of the calm perspective of hindsight—now say at that time these actions were unjustified.¹²⁷

Thus, whatever its utility might have been or whatever effects there might have been, military surveillance, its proponents would have us believe, was a legitimate exercise of military authority. In the words of Army Secretary Froehke, "The civil disturbance information collection activities of the military services were all integrally connected to the use or potential use of Federal troops under this (constitutional and statutory) authority."¹²⁸

The Subcommittee cannot accept that assessment.

We are not willing to imply the authority to conduct political surveillance of civilians from the role assigned by statute to the military in the event of civil disturbance. We would limit the scope of domestic intelligence required for such a role to that logistical information necessary to move troops, quarter them, and deploy them. We do not view information on personalities, their views and opinions, their habits and associations as bearing a "reasonable relation" to the role which the Army was assigned. For when the military's role in these operations is clearly analyzed, it can be seen that political information was not at all necessary or helpful for the proper discharge of the military's constitutional and statutory functions.

We are unwilling to imply authority for military surveillance first, because we are unwilling to ignore the tradition of the separation and subordination of the military establishment—a tradition that is embedded in the Constitution, in statute, and in the decisions of the courts. The intrusion of the military into civilian affairs has been strictly limited throughout our history. It is a cardinal principle of the structure of our democracy. Former Chief Justice Earl Warren has pointed out the dangers of doing otherwise:

Determining the proper role to be assigned to the military in a democratic society has been a troublesome problem for every nation that has aspired to a free political life. The military establishment is, of course, a necessary organ of government; but the reach of its power must be carefully limited lest the delicate balance between freedom and order be upset. The maintenance of the balance is made more difficult by the fact that while the military serves the vital function of preserving the existence of the nation, it is, at the same time, the one element of government that exercises a type of authority not easily assimilated in a free society.

The critical importance of achieving a proper accommodation is apparent when one considers the corrosive effect upon liberty of exaggerated military power. In the last analysis, it is the military—or at least a militant organization of power—that dominates life in totalitarian countries regardless of their nominal political arrangements. This is true, moreover, not only with respect to Iron Curtain countries, but also with respect to many countries that have all the formal trappings of constitutional democracy.¹²⁹

The Constitution, while providing in Article IV, Section 4, that the military may be used to suppress domestic violence, contains in Article I, Section 8, six separate clauses which establish civilian control and explicitly restrict the use of military force in domestic settings.

Even those statutes enacted pursuant to these Constitutional grants (10 U.S.C. 331-334) provide that military forces may be used to suppress domestic violence only when directed by the President and only when certain conditions are present. It is particularly noteworthy that

¹²⁷ 332 U.S. 214, 218, 224 (1944).

¹²⁸ Hearings, p. 384.

¹²⁹ Warren, Earl, *The Bill of Rights and the Military*, 37 N.Y.U.L. Rev. 181, 182 (1962).

Section 334 requires that, prior to using military forces to suppress domestic violence, the President must "by proclamation, immediately order the insurgents to disperse and retire peaceably to their abodes within a limited time." The intrusion of the military is delayed until the President himself has ordered the insurgents to disperse.

In addition to the limitations contained in statutes which authorize military intrusion, there are other statutes which restrict the role of the military into civilian matters. One of these is the *posse comitatus* act of 1878 (18 U.S.C. Section 1385, which provides fines and criminal penalties for "[w]hoever, except in cases and under circumstances expressly authorized by the Constitution or Act of Congress, willfully uses any part of the Army or the Air Force as a *posse comitatus* or otherwise to execute the laws . . ."). This act was passed specifically to end the use of federal troops as informal auxiliaries of U.S. marshalls, who summoned them to ride in their posses to track down fugitive slaves, suppress labor unions, and interfere with state elections and legislatures.¹³⁰

The statute (*posse comitatus*) is not an anachronistic relic of an historical period the experience of which is irrelevant to the present. It is not improper to regard it, as it is said to have been regarded in 1878 by the Democrats who sponsored it, as expressing "the inherited antipathy of the American to the use of troops for civil purposes." (Sparks, *National Development 1877-1885*, p. 127, Vol. 23, *The American Nation, A History*) . . . Its relevancy to this age is sadly clear. *Wrynn v. U.S.*, 200 F Supp. 457, 465 (1961), *Dooling*, J.¹³¹

Other examples of laws which restrict military intrusion into civilian affairs are 18 U.S.C. 592 and 593, which prohibit military interference in civilian elections, and 10 U.S.C. 1384, which restricts the use of military agents to investigate off-post prostitution.

The limited domestic role envisioned for the military by the Founding Fathers and the restrictive nature of the statutes promulgated under this constitutional authority fortify the subcommittee's contention that those statutes which authorize use of the military in civil disturbances must be narrowly interpreted.

Courts have repeatedly affirmed this principle and have added their own general qualification that where a citizens constitutional rights are threatened by an asserted claim of military authority, the court must limit that claim of authority to what is expressly provided in statute:

It is an unbending rule of law, that the exercise of military power, where the rights of the citizen are concerned, shall never be pushed beyond what the exigency requires. *Raymond v. Thomas*, 91 U.S. 712, 716 (1875).

The Founding Father envisioned the army as a necessary institution, but one dangerous to liberty if not confined within its essential bounds. . . .

Throughout history many transgressions by the military have been called "slight" and have been justified as "reasonable" in the light of the "uniqueness" of the times. We cannot close our eyes to the fact that today the peoples of many nations are ruled by the military. We should not break faith with this nation's tradition of keeping military power embodied in the Constitution. *Reid v. Covert* 354 U.S. 1, 23, 40 (1957)

The same principle has been consistently applied to governmental (as opposed to military) claims of authority which violate constitu-

¹³⁰ For brief histories of the *posse comitatus* act, see Edward S. Corwin, *The President: Office and Powers 1787-1957* (New York: New York Univ. Press, 1957), pp. 130-38; Robert S. Rankin and Winifred R. Dallmayr, *Freedom and Emergency Powers in the Cold War* (New York: Appleton-Century-Crofts, 1964), pp. 218-220.

¹³¹ 200 F. Supp. 457, 465 (E.D.N.Y., 1961).

tional rights. Where the authorizing law expressly permitted such activity, it has typically been struck down.¹³² Where the law only contained an implied authorization, the courts have refused so to imply.¹³³

The majority in *Tatum v. Laird* did not, unfortunately, reach the issue of authority. The court's decision was couched solely in terms of "justiciability," i.e., whether the plaintiffs claim that their First Amendment rights had been "chilled" was a sufficient allegation of injury to invoke the jurisdiction of the court. Only Justice Douglas, in a dissenting opinion joined by Justice Marshall, considered the matter of authority. After noting there was no law which explicitly provided for surveillance, he sought in vain to find an implied authorization in the Constitution or statutes. He concluded that surveillance stood only on "brute power and Pentagon policy."¹³⁴

The arguments of the defenders of military surveillance that the climate which prompted and surrounded the surveillance nevertheless justified a broad interpretation of the authorizing statute is not convincing. There is no doubt that in the mid-1960s the military was used with unprecedented frequency to quiet civil disturbance. The armed forces may indeed have been ill-informed and ill-prepared to act in these instances. But neither the Kerner Commission¹³⁵ nor the President's emissary, Mr. Vance,¹³⁶ in recognizing this shortcoming, recommended that the military undertake its own domestic intelligence operations.

The Justice Department's analogy of the Army to a police force is also faulty. The function of the armed forces in civilian disturbance is simply to assist the civilian authorities in suppressing violence. Short of a declaration of martial law, it remains subordinate to civilian authorities—it does not become an independent law enforcement body. In the absence of a declaration of martial law, the military does not even have a power to arrest which is any more extensive than that of the ordinary citizen. The role of the military in such situations is quite simple. It is to suppress violence. Barring a breakdown of civil government—an entirely different and more extreme circumstance—the armed forces perform no civil functions.

The avowed purpose of the surveillance program was to enable the military to anticipate the need for its intervention. This stated reason demonstrates the fundamental misconception the Army had of its role. The Constitution and the federal statutes give to the President and state governments—and most assuredly not to the Army—the responsibility for determining when there is a need for armed force. Consequently, only these governmental authorities are in a position to argue that their civil functions justify the collection of political information by means of surveillance of lawful, peaceful political activities. The need

¹³² See *Schechter v. Tucker*, 364 U.S. 479 (1960); *United States v. Robel*, 389 U.S. 258 (1967); *Schneider v. Smith*, 390 U.S. 17 (1968).

¹³³ See *Bates v. Little Rock*, 361 U.S. 516 (1960); *Cole v. Young*, 351 U.S. 536 (1955); *NAACP v. Alabama*, 357 U.S. 449 (1958); *Louisiana v. NAACP*, 366 U.S. 293 (1961).

¹³⁴ *Tatum v. Laird*, 408 U.S. (1972) (J. Douglas, dissenting).

¹³⁵ Report of the National Advisory Commission on Civil Disorders (Washington, D.C.: U.S. Government Printing Office, 1968), p. 269. See also the Commission's section on the "Army Response to Civil Disorders," pp. 504-509, which contains nothing to suggest that the Army should develop its own civil disturbance intelligence apparatus.

¹³⁶ See "Johnson Men Did Not Mean Army Spies to Cover Riots," *Baltimore Sun*, Feb. 20, 1971: "In New York today, Mr. Vance said he meant that the Army should gather logistics information rather than intelligence about people. . . . Where it was noted that his report mentioned 'police data,' Mr. Vance said, 'My feeling was that that was the kind of thing you would get from the police and the FBI.'"

for intelligence lies with those making the decisions to call in military forces, not with those deploying the forces. It lies with the civilian authorities, not the military.

Under executive order and practice, the responsibility for domestic intelligence rests with the Federal Bureau of Investigation, and with the state and local police departments.^{136a} The defenders of military surveillance of civilians seemingly were not troubled with the usurpation of the domestic intelligence functions of such civilian agencies. Immediate availability to the military seems to be the governing criteria. To claim, as did Secretary Froelke,¹³⁷ that the Army had superior intelligence-gathering resources than did the civilian agencies, and therefore was justified in stepping in, begs the question. The fact that the Army can do something more efficiently does not mean that it has the authority to go ahead and do it. In our country expediency is not a source of legal power.

Finally, we point out that much of what was gathered in the course of military surveillance bore no remotely plausible relation to even that implied authority claimed by the Army to gather domestic intelligence for its role in civil disturbance. The Army collected extraneous information about the personal lives, finances, and activities of citizens who were only exercising their constitutional rights to engage in political activity. Many of these citizens played minor, if any, roles in political functions. Even assuming that the military might be granted some implied authority to collect information which did indeed bear on its desire to "predict" civil disturbances, the kind of information it collected did not serve this purpose.

The defenders of surveillance argue that despite these excesses, the conduct of general surveillance was authorized. We have disputed this claim. Of course, to the extent that the Army has admitted that there were excesses, it has admitted that to that extent such surveillance was illegal.

DID MILITARY SURVEILLANCE VIOLATE THE FIRST AMENDMENT?

The First Amendment's protection for the freedom of speech, of association, and religion is not limited to governmental action which operates directly on those rights and whose avowed purpose is to limit or regulate them. As Justice Brennan has stated: "[I]nhibition as well as prohibition against the exercise of precious First Amendment rights is a power denied to government."¹³⁸

The Subcommittee views military surveillance as having precisely that sort of inhibiting effect upon First Amendment rights. The fact that the government, through the instrumentality of the Army, has seen fit to investigate the views and personal lives of thousands of citizens whose only "crime" was expressing their opposition to governmental policy cannot help but clothe those views and the people who hold them with the taint of official disapproval and suspicion, and encourage the public to regard them as somehow disloyal. Government, by force of example alone, has considerable power

^{136a} Even the existence of statutory authority for the FBI to conduct general domestic intelligence not directed at solving violations of federal law is not clear. (See the testimony of Professor John Edgar Hoover at the hearings on the nomination of L. Patrick Gray to be Director of the FBI.)

¹³⁷ Hearings, p. 386.

¹³⁸ *Lamont v. Postmaster General*, 381 U.S. 301, 309 (1965) (concurring opinion).

to encourage or discourage the expression of ideas. One vice of military surveillance is that it serves to discourage the expression of controversial views and association with controversial activities. In effect, the program encourages people to censor themselves.

Moreover, surveillance creates an apprehension that some harm, its exact nature unknown, will befall those under surveillance and those who associate with them.¹²⁹ The public reasons that such surveillance must have some purpose—"The military wouldn't be investigating them if they weren't doing something wrong." While it is not clear to the public to what use the intelligence will be put, the general assumption is that the effect will be detrimental. The coercive power of the unknown becomes a strong deterrent either to espousing like views or associating with those who do.

The Rev. Jesse Jackson testified to the effect of the disclosure of Army surveillance upon his "Operation Breadbasket":

Our organization's success, its life, is directly related to the confidence that the people have in us, and the people that we relate to, by and large, are functioning and fighting for democratic ideals within the context of America and for them now to assume that we are surveyed by the Army, gives them the impression that we are engaging in subversive activity, and it undermines the confidence that a lot of people have in our organization, and telephone calls have come in to that effect * * *.¹³⁰

Similarly, Jay Miller, Executive Director of the Illinois American Civil Liberties Union, testified:

I think it's [military surveillance] demoralizing to our staff * * * and then, finally, I think there is a phenomenon that goes on [in the public's mind] * * * where there's smoke there's fire * * * That I expect could affect our membership, makes it more difficult for us to reach people, to convince them of our ideas * * *.¹³¹

Jerome B. Wiesner, President of the Massachusetts Institute of Technology, testified to the effects of governmental surveillance on himself and his students:

Many people, myself included, have long operated on the assumption that our activities are being monitored. I have also operated under the premise that I should not allow myself to be inhibited by such a possibility. I can do this because I have great confidence in the basic integrity of the safeguards built into the administrative and judicial system of the country. If I lacked such confidence and did not feel that I could defend myself, were there to be unjust conclusions or accusations, I would undoubtedly feel much more severely restricted.

I know that many, many students are afraid to participate in political activities of various kinds which might attract them because of their concern about the consequences of having a record of such activities appear in a central file. They fear that at some future date, it might possibly cost them a job or at least make their clearance for a job more difficult to obtain. I don't know to what extent these student fears have justification, but I can tell you that they are real fears and that they have frequently caused students to back away from activities which attracted them. I might add here that I am not referring to confrontations or planned violence, but participation in seminars, political study groups, etc., that were seriously questioning governmental and social arrangements or policies.¹³²

Abner J. Mikva, Representative from Illinois, and himself a subject of surveillance, testified as to its effects on elected officials:

Who can be certain that his judgment will not be swayed, perhaps even unconsciously, by the belief that he is being watched? Even the possibility of surveillance raises the specter of subtle political interference. The scenario might go something like this. Those who speak out strongly in opposition to the policies of those in power are subjected to precautionary surveillance by the military. Constituents learn that their elected representative is under Army surveillance. The inference is made, either explicitly or implicitly, that he must be doing something wrong, or at least questionable, and that suspicion will be evident in the next election results. After all, who wants to be represented by a man who is so disreputable that the Army feels that the national security requires that his activities be monitored . . . it is entirely likely that some elected officials will exercise greater caution than they otherwise would in speaking their minds in order to be sure that their political future is not imperiled by a military spy.¹³³

Military surveillance, then, makes expression of unpopular views more difficult. Not only must the individual face the general disapproval of his community, but he must also incur a loss of privacy by having his actions recorded permanently in government files. His anonymity is gone, and with it the confidence that his expression or association will not subject him to future unpleasant consequences. The President's Commission on Law Enforcement and the Administration of Justice noted the effect of such a loss:

In a democratic society privacy of communication is essential if citizens are to think and act creatively and constructively. Fear or suspicion that one's speech is being monitored by a stranger, even without the reality of such activity, can have a seriously inhibiting effect upon the willingness to voice critical and constructive ideas.¹³⁴

Army surveillance was very real; its effects, while more subtle, are no less real. It was as destructive of the freedom of expression as an explicit law making it a crime to disagree with the government. The First Amendment does not demand courage or temerity of ordinary citizens; it was made for the timid as well as the brave. Without the feeling that one may speak without fear of consequences, citizens may cease to voice their opinions and, ultimately, refuse to participate in public affairs. It is up to government, if it is to be faithful to the ideals expressed in the Constitution, to do more than simply refrain from judicially-denounced activity which directly infringes upon free speech. Government has a far broader obligation to stimulate, not discourage, the ferment of ideas that comes from active public interest, and involvement in free expression.

It is no reply to the charge that Army surveillance discourages such a climate to say that empirical proof of its effects has not been demonstrated. The effect of the military program was to increase or encourage silence. How does one measure silence? It would be paradoxical, and obviously impossible, to require the production of witnesses to confess publicly that they have been frightened out of expressing their true feelings because of military surveillance. Chief Justice Burger, writing for the majority in the *Tatum* case, suggested that the plaintiffs in that case were incensed enough to challenge the surveillance, and that this was proof that they suffered no injury to their First Amendment rights. This implication, if the Chief Justice intended it, would result in the "nullification of proof at the very moment of its assertion." *NAACP v. Alabama*, 357 U.S.

¹²⁹ See Hearings, pp. 244, 257.

¹³⁰ Brief for Appellants, *ACLU v. Laird*, No. 71-7758, quoting Transcript of Proceedings, pp. 486-87.

¹³¹ *Ibid.*, p. 23, quoting Transcript of Proceedings, p. 499.

¹³² Hearings pp. 764-65.

¹³³ Hearings, p. 137.

¹³⁴ President's Commission on Law Enforcement and the Administration of Justice, *Task Force Report: Organized Crime* (Washington, D.C.: U.S. Government Printing Office, 1967), p. 18.

449, 459 (1958). It is enough that the government's actions can be "perceived to have the consequence of unduly curtailing the liberty of freedom of (speech) . . ." 357 U.S. at 461.

The Subcommittee, then, must conclude that the effect of military surveillance was to "unduly curtail" the expression of opinion. It runs afoul of the First Amendment.

The discussion of the "chilling effect" which appears in the briefs and opinions in the *Tatum* case is clouded by the matter of "justiciability." To put the matter simply, the courts' requirement that some specific harm must occur to a plaintiff in order for him to invoke the jurisdiction of the court caused the discussion of the "chilling effect" of Army surveillance to center around whether *allegations* of a "chilling effect" were in themselves sufficient allegations of harm to invoke the courts' jurisdiction, instead of centering around whether or not surveillance did, in fact, have a "chilling effect."

Defenders of surveillance tend to graft this requirement of specific harm, apart from the plaintiff's allegation that his First Amendment rights had been violated, onto the question of constitutionality. Then Assistant Attorney General William H. Rehnquist stated: "You have got to have some governmental sanction imposed on the person before you get a First Amendment problem." No "action will lie by private citizens to enjoin the gathering of information by the Executive Branch where there has been no threat of compulsory process and no pending action against any of those individuals on the part of the government."¹⁴⁵

The government's position had some support in prior cases. While the Supreme Court has repeatedly invalidated laws or practices which had the effect of infringing First Amendment rights, one can argue that in every case there had been the additional element of harm, threat or harm, or denial of a benefit which was likely to result if certain views or associations were not revealed. Thus, statutes which provided that where an individual refuses to provide certain information concerning his beliefs or associations that he may face criminal sanctions,¹⁴⁶ the loss of employment,¹⁴⁷ denial of the right to pursue a profession,¹⁴⁸ or the denial of a service,¹⁴⁹ have been struck down as unconstitutional. The government claimed that Army surveillance did not entail this sort of specific harm—it involved intelligence-gathering of "unknown purpose, and unknown future use," and, as such, represented only a "hypothetical threat."¹⁵⁰

This theory ultimately persuaded the majority in *Tatum v. Laird* to rule that the plaintiffs did not allege sufficient harm to invoke the court's jurisdiction. "Allegations of a subject 'chill,' found the Court, 'are not an adequate substitute for a claim of specific present objective harm or a threat of specific future harm.'"¹⁵¹ Chief Justice Burger explained the position of the majority:

In recent years this Court has found in a number of cases that constitutional violations may arise from the deterrent, or "chilling" effect of governmental reg-

ulations that fall short of a direct prohibition against the exercise of First Amendment rights . . . In none of these cases, however, did the chilling effect arise merely from the individual's knowledge that a governmental agency was engaged in certain activities or from the individual's concomitant fear that, armed with the fruits of those activities, the agency might in the future take some *other* and additional action detrimental to that individual. Rather, in each of these cases, the challenged exercise of governmental power was regulatory, proscriptive, or compulsory in nature, and the complainant was either presently or prospectively subject to the regulations, proscriptions, or compusions that he was challenging . . .

"[T]o entitle a private individual to invoke the judicial power to determine the validity of executive or legislative action he must show that he has sustained or is immediately in danger of sustaining a direct injury as the result of that action . . ." *Ex parte Levitt*, 302 U.S. 633, 634 (1937).

The respondents [complainants] do not meet this test . . .¹⁵²

The four dissenting justices disagreed, arguing that the Court of Appeals was correct in finding a "justiciable controversy" when it was alleged, without more, that governmental activity had inhibited the exercise of First Amendment rights.

The Subcommittee would side with the dissenting justices. The simple allegation that Army surveillance violated plaintiffs' First Amendment rights should be enough to invoke the jurisdiction of the federal courts. As the plaintiffs' briefs show, the critical element in First Amendment cases is the injury suffered by the citizen, and not merely the form or method by which the government accomplished or contributed to this injury. It has been enough, and should have been in *Tatum*, to show that governmental action can be "perceived to have the consequence of unduly curtailing the liberty of freedom of speech."¹⁵³ That is claim of injury sufficient to have one's case heard by a court. It would then be a matter of determining whether the claim was properly made, and whether the government was able to justify its activity to save it from an adverse ruling on constitutionality.

In short, it was the way the plaintiff's allegations were interpreted in *Tatum*, and not the substance of those allegations, which resulted in the Court's decision on the technical grounds of justiciability. Accurately analyzed, *Tatum* is not a ruling that military surveillance is constitutional, and it by no means deters this subcommittee or the Congress from voicing its judgment on the constitutionality of this program. Congress, unlike the federal courts, is not bound by the legal requirements of justiciability imposed by the "case or controversy" requirement of Article III. That provision restrains the Supreme Court from issuing advisory opinions where there is no real controversy between parties. It often operates, as in the *Tatum* case, to prevent the Court from ruling on the constitutionality of governmental activity which affects the whole public generally but no one person so especially to justify his bringing a legal challenge. In such circumstances, it is Congress' right and obligation to defend the people against unconstitutional action, however well-intentioned, by the Executive Branch. The American people look to their elected representatives no less than to the Supreme Court to safeguard their patrimony of freedom.

It is by no means clear, in any case, that Army surveillance did not or would not entail specific harm to those subject to it, beyond its inhibiting effect on their First Amendment rights. Although such evidence was not technically before the court in *Tatum*, the Subcommittee has uncovered instances in which the intelligence gathered by

¹⁴⁵ Hearings, pp. 864-65.

¹⁴⁶ *United States v. Robel*, 389 U.S. 258 (1967); *Dombrowski v. Pfister*, 380 U.S. 479 (1965); *Gibson v. Florida Legislative Investigation Committee*, 372 U.S. 539 (1963); *NAACP v. Button*, 371 U.S. 415 (1963); *Watkins v. United States*, 354 U.S. 178 (1957); *United Public Workers of America v. Mitchell*, 330 U.S. 75 (1947).

¹⁴⁷ *Keoghian v. Board of Regents of New York*, 385 U.S. 589 (1967).

¹⁴⁸ *Königsberg v. State Bar of California*, 366 U.S. 36 (1961).

¹⁴⁹ *Lamont v. Postmaster General*, 381 U.S. 301 (1965).

¹⁵⁰ *Brief for Appellants, Tatum v. Laird*, p. 26.

¹⁵¹ *Tatum v. Laird*, 408 U.S. 1, 9 (1972).

¹⁵² *Ibid.*

¹⁵³ *NAACP v. Alabama*, 357 U.S. 449, 461 (1958).

the Army was put to uses which could have a deleterious effect on those subject to it. There is evidence for example, that the Intelligence Command routinely filed spot reports in the security clearance dossiers of persons mentioned in the reports whose files were maintained by the command. Presumably, this information could result in the subsequent denial of a clearance and perhaps affect job retention and promotion. For those individuals who did not have a clearance, the intelligence data banks could reasonably be used as a basis for subsequent denials of employment or security clearance.

There is also evidence that intelligence contained in the Army files was transmitted to state officials and political candidates,¹⁵⁴ to the press,¹⁵⁵ and to state police agencies.¹⁵⁶ The fact that this information was unverified, often ambiguous, and often involved highly personal information meant that its ensuing publication or utilization by other investigating agencies may violate the subject's privacy, damage his reputation, deprive him of employment, or deprive him of credit.

We cannot accept the assurances of then Assistant Attorney General Rehnquist that "it is quite likely that self-discipline on the part of the executive branch will provide an answer to virtually all of the legitimate complaints against the excesses of information gathering."¹⁵⁷ That is, in effect, urging that there should be no control at all.

While we do not suggest an intent purposely to silence expression or to deny job opportunity or damage reputations on the part of the Army or the Executive Branch in the conduct of these surveillance operations, the potential for intentional abuse in such operations is nonetheless apparent. As former Army General Counsel Robert Jordan has stated: "I do think it is dangerous to create too much capability in this field. The guy who runs [such an apparatus] for the first couple of years may be okay, but you can never tell who's coming after him."¹⁵⁸ But whether or not the effects of Army surveillance were intended is not the critical question. "Abridgment of such [First Amendment] rights, even though unintended, may inevitably follow from varied forms of governmental action." *NAACP v. Alabama* 357 U.S. 449, 462 (1958).

Army surveillance does represent an abridgment of First Amendment rights. It creates fear, and thereby contributes to the reluctance many citizens already feel in making a public expression of their views and opinions. It is this trend in modern America that must be halted if democratic government is to survive.

As Judge Learned Hand once noted:

I believe that the community is already in process of dissolution where each man begins to eye his neighbor as a possible enemy, where nonconformity with the accepted creed, political as well as religious, is a mark of disaffection; where denunciation, without specification or backing, takes the place of evidence; where orthodoxy chokes freedom of dissent; where faith in the eventual supremacy of reason has become so timid that we dare not enter our convictions in the open lists, to win or lose. Such fears as these are a solvent which can eat out the cement that binds the stones together; they may in the end subject us to a despotism as evil as any we dread. . . .¹⁵⁹

¹⁵⁴ Richard Halloran, "Senate Panel Holds Vast 'Subversives' File Amassed by Ex-Chief of Army Intelligence," *New York Times*, Sept. 7, 1971, p. 35.

¹⁵⁵ Hearings, pp. 231-232.

¹⁵⁶ Transcript of Proceedings, *ACLU v. Laird*, D.C.N.D. Ill., E.O. No. 70 C3191, Jan. 4, 1971.

¹⁵⁷ Hearings, p. 603.

¹⁵⁸ Orr Kelley "Army Explains Civil Snooping," *The Sunday Star*, Washington, D.C., Dec. 6, 1960.

¹⁵⁹ Learned Hand, *The Spirit of Liberty* (New York: Knopf, 3rd ed., 1960), p. 216.

IS THE INFRINGEMENT OF CONSTITUTIONAL RIGHTS JUSTIFIED BY A COMPELLING GOVERNMENTAL INTEREST?

The Supreme Court has yet to hold that a finding that governmental activity infringes upon First Amendment rights automatically requires a conclusion that the activity is unconstitutional. In these cases, the court has held that where the effect on First Amendment freedoms is incidental, and the governmental interest was "compelling,"¹⁶⁰ or "substantial"¹⁶¹ or "strong,"¹⁶² the governmental activity might be justified. Chief Justice Warren, writing for the majority in *United States v. O'Brien*, defined the test as being whether "it [governmental activity] is within the constitutional power of the Government; if it furthers an important or substantial governmental interest; if the governmental interest is unrelated to the suppression of free expression; and if the incidental restriction on alleged First Amendment freedoms is no greater than is essential to the furtherance of that interest."¹⁶³ This means that laws providing for such activity must be narrowly drawn to permit only such incidental inhibition as is necessary to the accomplishment of the governmental purpose. Furthermore, it implies the requirement of close operational control to insure these standards are adhered to.

Army surveillance, as has been noted, did not rest upon a specific statute or regulation. At most, it could only be implied from the statute providing for the use of the armed forces to suppress domestic violence. The scope of the activity, then, was not formally or strictly defined.¹⁶⁴ In practice, the intelligence-gathering had no discernible limits—almost no information concerning the political views and activities of outspoken citizens seemed to be irrelevant and, once identified, even details of their private lives became fair game. Even defenders of Army surveillance deplored the indiscriminate and worthless nature of the bulk of the "intelligence" which was obtained.¹⁶⁵

To the extent, then, that the information was irrelevant, the governmental activity (surveillance) does not satisfy the second part of the *O'Brien* test; namely, it did not further an important or substantial governmental interest (the effective use of troops to suppress domestic violence).

But defenders nevertheless claim that the fact that much of the information which was collected was useless does not invalidate the activity. They may well agree that formal restrictions upon Army surveillance should be enacted to prevent excesses of this type but that, with this addition, the *O'Brien* test would be met.

The Supreme Court in *Tatum*, never deciding that Army surveillance entailed a "chilling effect," did not face the question of whether the infringement might be justified by a compelling governmental interest, or whether its excesses could be "cured" by properly drawn regulations. The Subcommittee, however, is persuaded that there was no

¹⁶⁰ *NAACP v. Button*, 371 U.S. 415, 438 (1963).

¹⁶¹ *Ibid.*, at p. 444; *NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449, 464 (1958).

¹⁶² *Sherbert v. Verner*, 374 U.S. 398, 408 (1963).

¹⁶³ 376 U.S. 367, 377 (1968).

¹⁶⁴ The Army did have intelligence plans which described the intelligence sought. The plans were so broad, however, that they amounted to no restraint at all. See Hearings, pp. 384, 421.

¹⁶⁵ Army General Counsel Robert E. Jordan called the intelligence data "the most worthless damn things I've seen in my life. It was a waste of paper." See Hearings, p. 1728. Assistant Attorney General Rehnquist conceded it was an "illegitimate use of government power." See Hearings, p. 861.

legitimate government interest served. The incidental restrictions on First Amendment freedoms occasioned by Army surveillance were, in terms of the *O'Brien* test, far greater than what was essential to the furtherance of the governmental interest. For that reason, its inhibiting effect on First Amendment rights was not justified.

We have already noted that the Army during a civil insurrection acts only as an arm of civil authorities. It is the civil authorities who decide where and how to use federal troops. Incidental information concerning logistics for the occupying forces, then, is the only "domestic intelligence" which the Army requires to perform its role. This could largely be obtained from maps of the critical area. The civilian authorities already have access to the files of civilian agencies which themselves conduct domestic intelligence operations. Under Presidential directive that agency is the Federal Bureau of Investigation; on the state and local levels they are the state bureaus and local authorities. If the Army is not satisfied with the work these agencies are doing, its remedy is to assert its complaints to the President, not assume the activities itself. By doing so, it further burdened the exercise of First Amendment rights. That impediment to the freedom of expression was unnecessary and, thus, unjustified. It should not have been permitted.

In summary, then, military surveillance, in order to be constitutional, must abide by strict requirements in light of its serious impact on First Amendment rights. These rules—a compelling governmental interest unrelated to suppression of free expression, minimum infringement, careful and explicit legal authority, well-defined administrative controls written into that authority, and close operational control to ensure that there are no abuses in the conduct of the program—must all be satisfied if a claim of unconstitutionality is to fail. Military surveillance, in fact, satisfied none of these requirements. There can be no question, in our judgment, that it was unauthorized, unnecessary, and unconstitutional.

CONCLUSION

The foregoing has been the result of three and a half years of painstaking investigation and study by the Subcommittee. The impact of the Subcommittee's undertaking has been substantial. As a result of it and the public outrage which it engendered, the military establishment put an end to its surveillance of civilians and civilian organizations. In 1971, the Defense Department promulgated regulations prohibiting future surveillance of civilians and requiring the destruction of the fruits of prior surveillance. Furthermore, it established a high level council, comprised of senior civilian officials, to keep military intelligence-gathering in check.

What had taken place was not so much a conscious effort to subvert the freedoms of speech and association, as it was a classic example of a burgeoning bureaucracy going out of control, with no direction and no limitations. What began as a limited intelligence activity by individual commands responding to the military's limited need for information for use during civil disturbances mushroomed into an elaborate, nationwide system with the potential to monitor any and all political expression. No person or organization was too insignificant to monitor; no activity or incident, too irrelevant to record.

How could such a program get out of hand? It is probably because there were too many people with too little to do and yet with vast untapped resources at their disposal. Thousands of Army intelligence agents, trained for surveillance work, but with little opportunity to put it into practice, were loosed by their superiors on the American public. The gauge of success was the quantity of information recorded. And the myriad of Army intelligence computers were more than competent receptacles for all that the agents could transcribe.

It is not a particularly difficult phenomenon to understand. Military intelligence officers whose careers were dependent upon the performance of the intelligence system were naturally disposed to do too much rather than too little. For them, surveillance of civilians was a matter of doing their job—a matter of operational efficiency. Sensitivity to individual liberties was not an "operative" concern.

Army surveillance has now been curtailed. However, it does not represent a unique case study of bureaucratic insensitivity to individual liberties. The modern bureaucracy quite often places expediency—whether wittingly or not—above any concern for individual liberties. Even those segments of the bureaucracy which do have a valid justification for collecting personal information regarding the citizenry, are prone to go beyond their legitimate needs for information. Computerization has made such excesses particularly tempting.

The Subcommittee has encountered this phenomenon in case after case, and, despite what might be the legitimate objectives of the bureaucrat, we cannot but feel that in his collecting, cataloging, and storing of personal information, there are the seeds of repression.

The Orwellian nightmare of a government always watching, and, armed with the knowledge of its citizens' thoughts and ambitions, silencing their adverse views with real or presumed threats of reprisals, is a vision which has haunted twentieth-century Americans since it was conceived. Yet those charged with the operation of government continue to ignore the warning. Army intelligence collected the most personal of information for preservation in its computers. It was not unusual to find in the Army files details of one's memberships, associates, remarks, published statements, attendance at meetings, personal finances, sexual activities, arrests, and personality quirks preserved in everlasting perpetuity. Such excesses cannot be tolerated.

The collection and computerizing of information by government must be tempered with an appreciation of the basic rights of the individual, of his right to privacy, to express himself freely and associate with whom he chooses. After all, the loss of anonymity, occasioned by having an opinion or an association recorded, creates a climate of subtle coercion. No longer could a man march with a sign down Pennsylvania Avenue and return to his hometown, his identity forgotten, if not his cause. No longer would the memory of the author of a political article fade as the pages of his rhetoric yellow and crumble with time. No longer would the flamboyant words exchanged in debate lose their relevance with the issue of the moment that prompted them.

The effect would be to make it impossible for a man to start over again. In fact, he may be more inclined never to begin at all. The lower road of silence, unproductive but less fraught with danger, may become the more appealing alternative. It is a prospect that must be shunned.

APPENDIX

CONSTITUTIONAL AND STATUTORY PROVISIONS

ARTICLE I, SECTION 8, CLAUSE 11:

The Congress shall have Power to . . . raise and support Armies, . . . ;

ARTICLE I, SECTION 8, CLAUSE 13:

The Congress shall have Power to . . . make Rules for the . . . Regulation of the land and naval Forces.

ARTICLE I, SECTION 8, CLAUSE 14:

The Congress shall have Power to . . . provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions.

ARTICLE I, SECTION 8, CLAUSE 15:

The Congress shall have Power to * * * provide for the organizing, * * * and disciplining of the Militia, and for governing such Part of them as may be employed in the Service of the United States, * * *

ARTICLE II, SECTION 1:

The executive Power shall be vested in a President in the United States.

ARTICLE II, SECTION 2:

The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; * * *

ARTICLE II, SECTION 3:

* * * he shall take Care that the Laws be faithfully executed, * * *

ARTICLE IV, SECTION 4:

The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic violence.

AMENDMENT I:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

10 U. S. C. § 331:

"Whenever there is an insurrection in any State against its government, the President may, upon the request of its legislature or of its governor if the legislature cannot be convened, call into Federal service such of the militia of the other States, in the number requested by that State, and use such of the armed forces, as he considers necessary to suppress the insurrection."

10 U. S. C. § 332:

"Whenever the President considers that unlawful obstructions, combinations, or assemblages, or rebellion against the authority of the United States, make it impracticable to enforce the laws of the United States in any State or Territory by the ordinary course of judicial proceedings, he may call into Federal service such of the militia of any State, and use such of the armed forces, as he considers necessary to enforce those laws or to suppress the rebellion."

10 U. S. C. § 333:

"The President, by using the militia or the armed forces, or both, or by any other means, shall take such measures as he considers necessary to suppress, in a State, any insurrection, domestic violence, unlawful combination, or conspiracy, if it—

"(1) so hinders the execution of the laws of that State, and of the United States within the State, that any part or class of its people is deprived of a right, privilege, immunity, or protection named in the Constitution and secured by law, and the constituted authorities of that State are unable, fail, or refuse to protect that right, privilege, or immunity, or to give that protection; or

"(2) opposes or obstructs the execution of the laws of the United States or impedes the course of justice under those laws.

"In any situation covered by clause (1), the State shall be considered to have denied the equal protection of the laws secured by the Constitution."

10 U. S. C. § 334:

"Whenever the President considers it necessary to use the militia or the armed forces under this chapter, he shall, by proclamation, immediately order the insurgents to disperse and retire peaceably to their abodes within a limited time."

18 U. S. C. § 1385:

"Whoever, except in cases and under circumstances expressly authorized by the Constitution or Act of Congress, willfully uses any part of the Army or the Air Force as a posse comitatus or otherwise to execute the laws shall be fined not more than \$10,000 or imprisoned not more than two years, or both."

Finally, there are two specialized statutes. It was thought necessary to pass an Act of Congress to give the armed services some limited power to control prostitution near military bases, and an Act of Congress was required to enable a member of the Joint Chiefs of Staff to testify before Congress:

18 U. S. C. § 1384:

"Within such reasonable distance of any military or naval camp, station, fort, post, yard, base, cantonment, training or mobilization place as the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, or any two or all of them shall determine to be needful to the efficiency, health, and welfare of the Army, the Navy, or the Air Force, and shall designate and publish in general orders or bulletins, whoever engages in prostitution or aids or abets prostitution or procures or solicits for purposes of prostitution, or keeps or sets up a house of ill fame, brothel, or bawdy house, or receives any person for purposes of lewdness, assignation, or prostitution into any vehicle, conveyance, place, structure, or building, or permits any person to remain for the purpose of lewdness, assignation, or prostitution in any vehicle, conveyance, place, structure, or building, or leases or rents or contracts to lease or rent any vehicle, conveyance, building or structure or part thereof, knowing or with good reason to know that it is intended to be used for any of the purposes herein prohibited shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

"The Secretaries of the Army, Navy, and Air Force and the Federal Security Administrator shall take such steps as they deem necessary to suppress and prevent such violations thereof, and shall accept the cooperation of the authorities of States and their counties, districts, and other political subdivisions in carrying out the purpose of this section.

"This section shall not be construed as conferring on the personnel of the Departments of the Army, Navy, or Air Force or the Federal Security Agency any authority to make criminal investigations, searches, seizures, or arrests of civilians charged with violations of this section."

18 U.S.C. § 592:

"Whoever, being an officer of the Army or Navy, or other person in the civil, military, or naval service of the United States, orders, brings, keeps, or has under his authority or control any troops or armed men at any place where a general or special election is held, unless such force be necessary to repel armed enemies of the United States, shall be fined not more than \$5,000 or imprisoned not more than five years, or both; and be disqualified from holding any office of honor, profit, or trust under the United States.

"This section shall not prevent any officer or member of the armed forces of the United States from exercising the right of suffrage in any election district

to which he may belong, if otherwise qualified according to the laws of the State in which he offers to vote."

18 U.S.C. § 593:

"Whoever, being an officer or member of the Armed Forces of the United States, prescribes or fixes or attempts to prescribe or fix, whether by proclamation, order or otherwise, the qualifications of voters at any election in any State; or

"Whoever, being such officer or member, prevents or attempts to prevent by force, threat, intimidation, advice or otherwise any qualified voter of any State from fully exercising the right of suffrage at any general or special election; or

"Whoever, being such officer or member, orders or compels or attempts to compel any election officer in any State to receive a vote from a person not legally qualified to vote; or

"Whoever, being such officer or member, imposes or attempts to impose any regulations for conducting any general or special election in a State, different from those prescribed by law; or

"Whoever, being such officer or member, interferes in any manner with an election officer's discharge of his duties—

"Shall be fined not more than \$5,000 or imprisoned not more than five years, or both; and disqualified from holding any office of honor, profit or trust under the United States.

"This section shall not prevent any officer or member of the Armed Forces from exercising the right of suffrage in any district to which he may belong, if otherwise qualified according to the laws of the State of such district."

USAINTC COLLECTION PLAN APRIL 23, 1969

(This plan has been declassified by DoD)

a. (C) To procure, evaluate, and disseminate as expeditiously as possible, information relating to actual, potential or planned demonstrations, civil disturbances, dissident activities, disasters and catastrophes which threaten civil order, military security and/or the capability of the Department of the Army to accomplish its mission.

b. (C) To provide overt collection and reporting procedures and readily retrieval data by the following categories according to the combined Essential Elements of Information (EEI) outlined in paragraph 5, below:

Category:	Category code
Civil Disturbances.....	A
Major Disasters and Catastrophes.....	B
Anti-War/Anti-Draft Activities.....	C
Militant Organizations.....	D
Extremists in the Armed Forces.....	E
Demonstrations, Rallies, Parades, Marches, Conventions, Conference and Picketing Activities.....	F
Foreign Element Participation or Influence in Civil Disturbance.....	G
Strikes and Labor Disturbances.....	H
Dissidents/Subversives in Civil Disturbances ¹	I
Legal Aspects ¹	J
Thefts of Weapons and Ammunitions.....	K

¹ As related to Civil Disturbance only.

5. (C) Leads to be developed: Essential elements of information.

CATEGORY A. CIVIL DISTURBANCE—CCN: 9036-9944

Predisturbance activities.

a. Indicators of threatening violence in communities having a discontented populace.

(1) Presence of militant agitators from within a discontented minority community or presence of "outside" militant agitators.

(2) Increase in efforts of extremist minority groups to instigate violence through inflammatory propaganda, either written or verbal.

(3) Increase in number of incidents which reflect minority group rebellion against authority, such as false alarms and vandalism.

- (4) Reports and rumors of planned agitation or impending violence related to civil disturbances.
- (5) Increase in activity, such as rabble rousing meetings and fiery agitation speeches, of extremist, civil rights groups.
- (6) Sharp increase in absentee rate of discontented minority groups.
- (7) Increase in incidents of resisting arrest: the gathering of crowds when arrests are made.
- (8) Increase in charges of police brutality: increased resentment of law enforcement.
- (9) Stepped up activity by gangs, characterized by anti-social activity on the part of minority group members.
- (10) Increase in assaults on police/fire personnel.
- b. Activities preceding planned civil disturbance
 - (1) Probable causes, objective, locations, and nature of disturbance.
 - (2) Probable categories and identification of persons and groups who will create or participate in disturbance.
 - (3) Estimated number of persons who will be involved. As participants; as observers.
 - (4) Probable assembly areas and routes. Method of travel.
 - (5) Leaders identity. Overt and behind the scenes.
 - (6) Activities, organization, and other plans prepared by the leaders.
 - (a) How will they exert control?
 - (b) Will weapons be used? What type? Where, when, how?
 - (7) Identity of newspapers, radio, or television stations, and prominent persons who are friendly with the leaders of the disturbance and are sympathetic with their plans. Will any be present? Participating? How?
 - (8) Location, kind, and amount of arms, equipment, and supplies available to the disturbers.
 - (9) Location of other arms, equipment and supplies which, if insufficiently guarded, may be seized by the disturbers in event rioting occurs. Are safeguards against seizure sound?
 - (10) Location and name of important buildings/facilities that may be threatened. What makes the buildings/facilities important? Who is owner/responsible for building/facilities? How can he be contacted?
 - (11) Location and description of communications systems, public utilities, and stores of volatile fuel. Responsible person? How contacted?
 - (12) Possible threat to Federal property. What? Where? When? By Whom?
 - (13) Do the facilities in (10), (11) and (12) above have their own physical security? How adequate?
 - (14) Identification of Department of the Army personnel (military or civilian) who are or may become involved on the side of the disturbers.
- c. Indicators of potential violence.
 - (1) High unemployment or menial work rate among discontented minority groups.
 - (2) High crime rates for discontented minority groups.
 - (3) Wide disparity of average income between white and discontented non-white.
 - (4) Poor relations between law enforcement officials and discontented minority groups.
 - (5) Migration of large numbers of persons from discontented minority groups into cities.
 - (6) Lack of means for minority groups to redress grievances and lack of meaningful communications between law enforcement agencies and the minority community.
 - (7) Protests of minority community to conditions in slum areas, such as: de facto segregation in unions, housing, and schools; lack of jobs; lack of recreational facilities; local merchants and landlords overcharging for housing, goods, or services; police brutality; sub-standard education facilities and teaching staff.
 - (8) Efforts by minority groups to upset the balance of power and the political system.
 - (9) Failure of law enforcement agencies to properly respond due to indecision, lack of manpower, or fear of public reaction.
 - (10) Inequitable law enforcement, real or imagined, towards minority groups.
 - (11) Public apathy or negative reaction to issues of civil rights and impartial law enforcement.

d. *Purposes and objectives of dissident groups.*

(1) Overall purpose and objectives. Long-term and short-term objectives and relationship to problems of minority groups and the country. Estimates of plans and objectives; capabilities, resources to be employed.

(2) Specific aims and roles. Coordination with other minority groups and dissident organizations. Support obtained from other agencies.

e. *Capabilities and vulnerabilities of dissident groups.*

Evidence of strengths and weaknesses in terms of ability to create civil disturbance situations, to expand activities to meet emergencies, to enlarge potential for disturbance, and to maintain own internal security.

f. *Funds.* Source and extent of funds, how are they distributed. General purpose for which funds are used.

g. *Organization of dissident groups.*

(1) High Command. Composition and structure of headquarters. Relationship to other agencies. Exact titles, location of functions and responsibilities, lines of authority, organizational charts, rosters of key personnel.

(2) Subordinate elements. Administration, organization, functions, responsibilities, principal and alternate locations, strengths, facilities, lines of authority, organization and key personnel.

h. *Tactics and strategy of dissident organizations.*

How do these elements plan and execute their civil disturbances and related actions. The nature and scope of their tactics and strategy. Proposed or planned deviations from usual or accepted tactics. Internal factionalism and protagonists. Cause themes and appeals.

i. *Personnel.*

(1) Number of active members; breakdown of membership by ethnic groups, age, economic status, education, criminal record. Biographic data on key members.

(2) Potential for increasing membership. Numbers of persons, source of members.

(3) Women members. Age, position within group, authority, biographic data.

(4) Pay. What members receive pay? Are expenses reimbursed? Source of funds?

j. *Administration.* How is organization supervised and controlled? Who is responsible for correspondence and related actions? Does organization produce publications? Identify.

k. *Training.* Are skills useful in creating disturbances and doing violence taught, e.g., fabrication of Molotov cocktails, homemade bombs, firearms, booby traps, and other devices? Judo, marksmanship, communication training, counter-surveillance, infrared photography. Training areas, source of support, instructors.

l. *Logistics.* Sources of supplies, weapons, vehicles. Location, stocks, capacity of stockpiles. Methods of resupply.

ACTIVITIES DURING CIVIL DISTURBANCE

(1) Location, form and extent of violence and damage. Proximate cause for outbreak.

(2) Identification of individuals and groups participating in civil disturbances. Leaders? Government personnel? News media representatives? Spokesman?

(3) Targets or planned targets of violence, burning or looting, e.g., neighborhoods, government buildings, Army installations, department stores, and public utilities.

(4) Patterns of violence which suggest centralized control and organization, e.g., well organized sniping, selective firebombing, and other systematic destruction.

(5) Indications of participation in or instigation of violence by persons or groups known to be subversive.

(6) Expected duration of disturbance.

(7) Motive for the disturbance? Anti-authority? Anti-white? Mixed?

(8) The reserves committed by local agency commanders in the current situation.

(9) The effects on the current situation of reserves that have been committed.

(10) The projected effects of reserves that have been requested but not yet committed.

(11) The ability of the forces currently on the scene to contain the area and intensity of the disturbance.

(12) The direction of the disturbance: whether anti-authority, anti-white, or undirected.

(13) The trends of riot connected activity: sniping, looting, bombing.

(14) The types of attacks on authorities: rock throwing, sniping.

(15) The reactions of authority to attacks: whether withdrawing or counter-attacking.

(16) The authorization for use of riot control equipment.

(17) The riot control equipment presently in use.

(18) The use of mass media to influence civil disturbance elements.

(19) The refusal of local agency personnel to respond in disturbed areas or while under fire.

(20) The presence of news media representatives in the disturbed area.

(21) The effect of news media representatives in the disturbed areas.

(22) The extent of reporting from the disturbed area, and its sources.

(23) The communications with personnel in the disturbed area.

(24) The emergence of spokesmen for the minority element.

(25) The indication of organization and central direction of rioters.

(26) The presence of militant leaders and their activities.

(27) The efforts to instigate or perpetuate violence.

POST-DISTURBANCE ACTIVITIES

(1) Is disturbance likely to recur?

(2) When can it be expected to break out again? In what locations? In what form? To what degree?

(3) Are factors that precipitated the outbreak still present? What factors? To what extent do they still exist?

(4) What is attitude of minority groups who participated?

(5) Have militant agitators and other leaders left the area of civil disturbance? Where are they currently located?

CATEGORY B.—MAJOR DISASTERS AND CATASTROPHES—CCN: 9086-9029

Provide all available information pertaining to major disasters and catastrophes which may result in the rendering of federal assistance to supplement the efforts of local or state authorities in the following incidents:

a. Explosions

b. Fires

c. Major accidents or wrecks involving public or private carriers

d. Hurricanes

e. Floods

f. Earthquakes

g. Tidal Waves

CATEGORY C. ANTI-WAR/ANTI-DRAFT ACTIVITIES—CCN: 8051-9291

a. Full identifying data on individuals/groups who are engaged in such anti-war activities.

b. Type of instruction being given pertaining to qualifying DD Form 98 or DD Form 398 or refusal to complete such forms.

c. Type of instruction or printed guidance being given on how to register as a conscientious objector.

d. Identification of registrants who have received instructions and sources of such instruction on how to avoid the draft or delay induction.

e. Collection of leaflets, booklets, fly sheets, etc., which provide instructions on how to avoid or delay induction.

f. Identification of the personalities and organizations engaged in the publication and distribution of documents referred in para e, above.

g. Establish the relationship of individuals/groups engaged in activities described in para a through f above with cited organizations or suspected/confirmed subversive organizations.

h. Activities of Army personnel within organizations where actual or potential aims and purposes may be inimical to the best interests of the United States.

i. Hostile activities which are perpetrated at or near military installations.

j. The activities of U.S. Army members connected with or alleged to be con-

nected with cited and extremists organizations are of continuing interest in CONUS intelligence. Reportable CONUS intelligence includes information concerning Army members in connection with any of the following:

(1) Communist Party, United States of America (CPUSA).

(2) Other groups not in affiliation with CPUSA but which have been cited by the Attorney General of the United States as having aims and purposes inimical to the best interests of the United States.

(3) Minority, racist, terrorist, left-wing, right-wing, and/or other dissident organizations of possible future intelligence interest which may be potentially detrimental to national defense or public order, even though not cited by the Attorney General.

CATEGORY D. MILITANT ORGANIZATIONS—CCN: 8051-9289

a. Identification of individual leaders and members of militant organizations at local, state and national level. Include all current background information as well as length of membership, official titles or position, if any, membership in other groups, and degree of participation in militant activities not previously reported.

b. Indications of present and future plans, to include the capability of the organizations to effectively carry out such plans. Include specific details concerning the above, including targets of proposed activities, degree of militancy expected, number of participants and coordination with other militant organizations.

c. Indicators as to any joint sponsorship of demonstrations, rallies or other disturbances with civil rights, militant black power groups, and leftist organizations. Reporting should include all available information concerning relations with other extremist groups in all forms of activity, to include planning seminars, discussion group meetings, joint statements to the press and other efforts designed to afford closer coordination among these groups.

d. Training of members and leaders, to include number of participants, type of instruction, duration and topics of instruction at each training session. Reports should include, insofar as possible, a breakdown of the topics involved with instruction and a brief description of the subject matter discussed.

e. A determination as to the origin of funds utilized by the individuals/organizations to include identification of donors, amount of funds received from each source, and information indicating support from leftist or extremist organizations.

CATEGORY E. EXTREMIST IN THE ARMED FORCES—CCN: 9036-9945

a. Provide all available information concerning military personnel under military jurisdiction who become involved in the following activities:

(1) Make statements which indicate that they favor violence, if necessary, for Negro attainment of their goals.

(2) Are leaders of racial demonstrations of disturbances during which participants are urged to engage in acts of violence.

(3) Are involved in the thefts of weapons which may be targeted for use by black extremists.

(4) Engaged in recruitment activities for such extremist groups as the Black Panther Party, the Student Non-Violent Coordinating Committee, or the Revolutionary Action Movement.

(5) Any extremist whose background indicates military training in guerrilla warfare, counterinsurgency, or the use of explosives and demolitions.

b. The following information is desired when personnel are reported under provisions of the preceding paragraphs:

(1) DPOB of the individual

(2) Present duty station

(3) Home of Record (HOR)

(4) Expiration of Term of Service (ETS)

(5) Destination upon ETS (if different from HOR)

CATEGORY F. DEMONSTRATIONS, RALLIES, PARADES, MARCHES, CONVENTIONS, CONFERENCES AND PICKETING ACTIVITIES—CCN: 8051-9291

a. Identification by name of extreme right and/or left wing dissident organizations expected to participate in scheduled or anticipated demonstration, and number of participants each can be expected to mobilize for protest activities. This will include information suggesting alliances, ad hoc or more permanent, between such organizations or their representatives.

b. Details concerning specific types of protest activities expected to occur, to include demonstrations, counter-demonstrations, rallies, sit-ins, picketing and other forms of either non-violent or violent protestations, such as bomb threats within the activity area.

c. Indications of dissident or militant group plans for exploitation of the activities, to include dissident or militant influence on participating, local organizations by militants from other areas of CONUS.

d. Indications that militant factions plan to stage violent confrontations with local law enforcement officials under the pretext of participating in peaceful, anti-demonstrations, either outside or inside the activity area.

e. Identification of all personalities involved, or expected to become involved, in protest activities, to include leaders or "activists" or local dissident groups and leaders, representatives, or speakers of national or regional organizations.

f. Details concerning transportation arrangements made by, or on behalf of, visiting, non-local demonstrators during or prior to the convention to include chartering of and reservations for buses, trains, planes, and private automobiles.

g. Details concerning housing facilities, offices, or bases of operations to be used by visiting demonstrators or groups, to include non-commercial facilities, such as churches and private homes.

h. Themes and issues of protest or demonstration, whether local, national or international, especially when they cite specific foreign sponsorship or agreement, will be identified.

i. Extent of overt financing, as well as covert financing, to include source of funds, extent of funding and planning for utilization of funds available or committed.

j. Any indication of outside (foreign) influence, direction, support or leadership, to include identification of foreign individuals and their role in connection with any activities to disrupt the convention, conference, etc.

k. Any additional information which in the judgment of group commanders may be significantly related to these activities and the disruption of same.

CATEGORY G. FOREIGN ELEMENT PARTICIPATION OR INFLUENCE IN CIVIL DISTURBANCE—CCN : 9036-9944

a. What financial, ideological, political, or propaganda support is being officially offered to American organizations in order to further CONUS civil disturbances?

b. What unofficial support for these organizations is known or suspected?

c. Through what channels and by what methods do official or unofficial support from foreign governments reach American individuals and organizations?

d. What private organizations are engaged in aiding American organizations?

e. What is the nature of support received by American organizations from these sources?

f. What channels of dissemination are used by private foreign organizations in order to support American groups?

g. What position is taken by the news media toward CONUS civil disturbances?

h. To what extent is the position of the news media influenced by the official governmental positions?

i. What effort has been made by organizations to obtain financial support for American organizations?

j. What methods are used to provide this support to American organizations?

k. What conferences, seminars, and other dealings have organizations conducted in order to discuss American civil disturbances or gather support for American organizations?

l. What mass demonstrations have occurred to support American organizations active in civil disturbance or to protect the quelling of these disorders?

m. What are the details of travel and contact for American activists in civil rights organizations who have attempted to obtain support for these organizations or causes in foreign countries?

n. What organizations and individuals are engaged in financing such travel?

o. How are the visits of such individuals received by the news media and the public?

CATEGORY H. STRIKES AND LABOR DISTURBANCES—CCN : 8051-9288

a. Identification of individual leaders and members of the striking union to include background information as well as official titles or position and degree

of participation in previous strikes and/or labor disturbances. Only those individuals who are provided news media coverage are of reporting interest. No investigative action is required to satisfy this requirement inasmuch as only that information on leaders available in your local files and through news media contacts is desired.

b. Indication of present and future plans, to include the capability of carrying out any acts of violence or disturbances.

c. Indications of the presence of "underground" labor instigators.

d. Indications of migration of large numbers of leaders to the affected area.

e. Issues, both published and unpublished, involved in the labor dispute or strike.

f. Indications whether the labor dispute is the result of wage and/or employee benefit negotiations without racial issues or arising from disparity of average income between whites and non-whites.

g. Indications of declining rapport between law enforcement officials and the striking union and/or the union leadership.

h. Information concerning degree of opposition that may be expected by Military Forces if called upon to maintain or restore order.

CATEGORY I. DISSIDENTS/SUBVERSIVE IN CIVIL DISTURBANCES—CCN : 9086-9030

a. Formation of a covert subversive organization directed against legally constituted government.

b. Evidence of or attempts by subversive organizations to penetrate and control civil rights or militant organizations composed primarily of non-whites.

c. Collaboration between subversive groups and non-white organizations and groups.

d. Assistance to non-white militant groups from outside the USA, especially from Cuba and Communist China.

e. Indications of movement into extremist, integrationist, and segregationist groups by the Communist Party of the USA, American Nazi Party, Nation of Islam, Knights of the Ku Klux Klan, and the Progressive Labor Movement.

f. Aims and activities of groups attempting to create, prolong, or aggravate racial tensions, such as CORE, NAACP, SNCC, National States Rights Party, Southern Christian Leadership Conference, and Council of Federated Organizations.

CATEGORY J. LEGAL ASPECTS—CCN : 8051-9287

a. Identification of individuals, groups or organizations affected by the changes in the laws or court decisions.

b. Indicators as to the probability of a civil disturbance occurring due to the changes in the laws or court decisions.

c. Evidence of known agitators/instigators of violence moving into an area where recent changes in laws have affected minority groups.

d. Increase in efforts of extremist, integrationist, and segregationist groups to instigate violence due to changes in the laws affecting minority groups.

e. Indications of declining rapport between law enforcement officials and minority groups attributable to the above EEI.

CATEGORY K. THEFTS OF WEAPONS AND AMMUNITION—CCN : 8050-9283

a. Indicators of possible violence prior to outbreak of civil disorders.

(1) Theft or unexplained loss of any quantity of arms or ammunition from facilities of the Active Army, Reserve, National Guard or the ROTC.

(2) Identification, to include all personalia available, or individuals, groups or organizations known or suspected to be connected with the theft, illegal purchase or acquisition by any other means of arms and ammunition.

(3) Identification, to include all personalia available, on military personnel (Active Army, Reserve, National Guard or former military) who are suspected of or arrested for illegal possession, theft, sale of arms and ammunition in connection with a misdemeanor or a felony, known or suspected.

(4) Recovery of arms or ammunition by local, state, federal or military authorities resulting from arrests, raids, and seizure of arms and ammunition.

(5) Theft or unexplained loss of any quantity of arms or ammunition from civilian companies or industries. Include within this category reports to local or state law enforcement officials by private individuals, gun stores or pawn shops of the theft of arms or ammunition.

(6) Indicators as to significance or impact of the inauguration of, or changes to local, state or federal law(s) or ordinances dealing with the sale, possession or employment of arms by individual private citizens, minority groups or white or non-white militant elements.

(7) Indicators as to significance or impact of known or suspected illicit arms traffic into a city, or within a county or state, or among states in relation to an increase in the crime rate among both white and non-white minority groups.

(8) Known, suspected or rumored plans, operations, deployment, tactics and amounts of weaponry in the possession of individuals, groups or organizations whose efforts, procedures and goals are to reduce U.S. military capabilities of military installations and facilities as well as those elements of a Federal Task Force Hq which has contingency planning responsibilities for the area(s) in question in dealing with a civil disturbance.

b. Indicators during a civil disturbance:

(1) Continue covert collection and reporting on requirements outlined in para a(1) thru (5) and (7) and (8) above.

(2) Additional sources of illegal acquisition, possession and employment of weaponry used by either white or non-white militants to include price lists for purchase of these arms and ammunition.

(3) Evidence of underground sources of arms and ammunition whether from hidden arms caches within the area or whether brought into the area of the disorder by legal or illegal interstate shipment through dummy (cover) organizations or companies.

(4) Identify source(s) of funds for the purchase of these weapons.

(5) Location of incidents involving sporadic sniping or guerrilla-type armed sweeps into suburban areas outside the area(s) of the initial civil disorders. Subsequent arrest, identification of weapons seized and detailed personnel on any individuals involved with armed violence activities.

(6) Reports of casualties, both of victims and instigators, involved in incidents of armed violence. Include time, place, nature of the incident and identity of any weapons seized from instigators.

(7) Known, suspected or rumored plans, operations or raids on U.S. military installations, armories or other military facilities by either white or non-white militants pertaining to the resupply of arms and ammunition seized from or otherwise lost to the militant elements as a result of aggressive action by local, state, National Guard or Federal Troop elements.

6. (C) BACKGROUND INFORMATION:

a. References: (1) AR 381-130, 18 Dec 64; (2) AR 500-50; (3) AR 500-60; (4) Section VI, Chapter Four, USAINTC Regulation 380-100; (5) DA Civil Disturbance Plan (U), 10 Sep 68; (6) DA Civil Disturbance Information Collection Plan (U), 2 May 68; (7) USAINTC Civil Disturbance Plan, OPLAN 100-68, 1 Mar 68 and changes 1 and 2 dated 1 Sep 68 and 21 Jan 69; (8) USAINTC Regulation 381-1, 29 Nov 68.

b. Information developed by your Group in response to the EEI outlined in para 5, above, will be reported by Spot Report (electrical message) priority precedence, utilizing the USAINTC Spot Report format outlined in Section III, Chapter Five, USAINTC Regulation 380-100. In forwarding the Spot Report, the address should include reference to the category code indicated in para 4b, above. For example, CG, USAINTC, ATTN: SOD-A.C.H. Para 3 of the Spot Report will contain the subject of the report itself (not the subject of this Lead Sheet).

c. Spot reports will be followed-up with Agent Reports (DA Form 341) or Summary of Information (DA Form 568), in duplicate, if appropriate. The Spot Report Number, plus the Category Code should be included in Item 3, Agent Report (together with dossier number of subject, if known) and in the "Preparing Office" block of the Summary of Information. For example "108-9071-121-ICP-A.C.H." A partial list of organizations and dossier numbers is included in para 7, below. Agent Reports will accompany all exhibits. The subject of the Agent Report or SOI will be the subject of the report itself (not this lead sheet).

d. A determination whether the Autovon (unclassified) message channel or the classified message channel is to be used will be made based on the content of the message, the need to protect the sources or sub-sources of the information and the requirement for expeditious onward transmittal by this headquarters of a highly perishable intelligence product to Task Force, CONARC and Department of the Army level.

7. (C) SPECIAL INSTRUCTIONS:

a. Maximum utilization of continuous liaison and all overt sources available will be made to satisfy this requirement.

b. Emphasis on reporting will be continuous within the established priorities, defined as follows:

(1) Priority 1: Information concerning the existing civil disturbance/subversion threat against U.S. National interests, the realization of which could result in large-scale riots and commitment of Federal troops. This category of information is of such importance as to warrant maximum increased effort.

(2) Priority 2: Information concerning a potential civil disturbance/subversion threat against U.S. National interests, resulting from nationwide local racial incidents, deliberate provocations or regional difficulties which could result in limited involvement of U.S. Forces. This category of information is of such importance as to warrant moderate increased effort.

(3) Information concerning natural phenomena and human adaptations, their interrelationships and effects on the civil disturbance situation in the nation. Collection of this information warrants routine effort.

c. Extensive photo coverage of the civil disturbance activity in this plan is desired and will include photos of known or suspected leaders or members of any white or non-white dissident/militant group, organization or element. In all cases full identifying data concerning personalities, elements or activities depicted in the photograph will appear on the reverse side of the photo. Also, the date, time, location and identity of the source of the photo will be included.

d. Full utilization of telephoto lens equipment is directed to minimize the possibility of direct involvement by MI Group personnel in the conduct of peripheral photographic coverage. Liaison with and utilization of local press and press wire-service agencies for the acquisition of photography is encouraged. In this regard, expenditure of ICF is authorized in the accomplishment of this coverage. Photography (both black and white and color, still and motion picture) available through the Task Force Army Photographic Teams may be utilized when the Task Force is committed.

e. Development of covert intelligence collection sources to satisfy the requirements of this lead sheet is prohibited unless specifically authorized by the Commanding General, this Command.

f. In all cases where MI agents are called to AFEES based on a qualification of DD Form 98/398, Agents will endeavor to ascertain whether such qualifications were made based on instructions from an anti-draft group. Extreme care will be taken to determine this information indirectly unless Subject makes an admission to the effect to either AFEES or Agent personnel. Agents will NOT repeat, NOT ask a direct question during the course of the subject interview or during the taking of a sworn statement as to whether subject has been instructed to qualify his DD Form 98/398.

g. Coordination with the local Federal Bureau of Investigation, Secret Service and other federal agencies will be affected in the collection and reporting of information in response to the Essential Elements of Information set forth above. Exchange of information with interested agencies at the local level on a timely, continuous basis is encouraged.

h. The following is a partial list of organizations, with dossier numbers, of intelligence interest. Reports concerning these organizations will be prepared with exact title, as indicated, and with the dossier number. Other subjects will have the dossier number entered by this command, but subject will be the same of the organization, personality or activity.

Organization	Dossier number
African-American Student Movement (AASM)-----	
Afro-Americans Against the War in Vietnam (AAAWV)-----	ZB-02-21-63
Afro-Americans Unity Movement (AAUM)-----	ZB-50-28-28
Afro-Americans Youth Movement (AAYM)-----	
American Friends Service Committee (AFSC)-----	ZB-00-02-00
American Nazi Party (ANP)-----	ZB-00-93-32
Americans for Democratic Action (ADA)-----	ZA-00-17-81
American Mau Mau (AMM)-----	ZB-50-12-19
Atlanta Alliance for Peace (AAP)-----	ZB-50-12-68
Anti-Draft Union (ADU)-----	ZB-50-17-04
American Liberation Front (ALF)-----	ZB-50-13-93
Black Panther Party (BPP)-----	ZA-02-21-64

Blackstone Rangers (BR)	ZB-50-18-83
Black Nationalist Party (BNP)	ZA-01-87-02
Black Nationalist Movement (BNM)	ZB-02-08-74
Brown Berets (BB)	ZB-50-19-17
Black Student Union (BSU)	ZB-01-85-22
Committee for Fifth Avenue Vietnam Peace Parade (CFAVPP)	ZB-02-12-68
Committee for Non-Violent Action (CNVA)	ZB-00-87-79
Communist Party, USA (CPUSA)	ZB-00-01-10
Congress of Racial Equality (CORE)	ZB-00-14-77
Chicago Area Draft Resistors (CADRE)	ZB-50-12-87
Clergy and Laymen Concerned About Vietnam (CLCAV)	ZB-50-05-27
Draft Resistors Union (DRU)	ZB-50-14-59
Draft Resistance League (DRL)	ZB-50-14-59
Fifth Avenue Peace Parade Committee (FAPPC)	ZB-02-12-68
Fifth Avenue Vietnam Peace Committee (FAVPC)	ZB-02-12-68
Institute for the Study of Non-Violence (ISNV)	ZB-50-03-86
Interfaith Peace Mission (IPM)	ZB-50-10-64
Mau Mau (MAU)	ZB-50-43-18
Minutemen (MM)	ZA-01-83-19
Nation of Islam (NOI)	ZB-00-96-10
National Association for the Advancement of Colored People (NAACP)	ZA-00-04-02
National Committee for a Sane Nuclear Policy (SANE)	ZA-00-90-26
National Coordinating Committee To End the War in Vietnam (NCCWV)	ZA-02-11-81
National Liberation Front (NLF)	ZA-01-40-22
National States Rights Party (NSRP)	ZA-00-90-97
National Mobilization Committee To End the War in Vietnam (NMC)	ZB-50-04-66
National Socialist White People's Party	ZB-00-93-32
Peace and Freedom Movement (PFM)	ZB-50-20-65
Peace and Freedom Party (PFP)	ZB-50-36-57
Progressive Labor Party (PLP)	ZB-01-40-26
Revolutionary Action Movement (RAM)	ZB-01-11-36
Resist (R)	ZB-00-82-95
Resistance, The (TR)	ZB-00-82-95
Socialist Workers Party (SWP)	ZB-00-00-63
Southern Christian Leadership Conference (SCLC)	ZB-00-87-94
Southern Student Organizing Committee (SSOC)	ZA-01-85-88
Student Non-Violent Coordinating Committee (SNCC)	ZB-01-13-29
Student Peace Union (SPU)	ZA-01-07-70
Students for a Democratic Society (SDS)	ZB-01-64-44
Students for Democratic Action (SDA)	ZA-00-16-32
US (US)	ZB-50-13-48
US II (USII)	ZB-50-17-69
Veterans and Reservists To End the War in Vietnam (VREWV)	ZA-02-17-70
Veterans for Peace in Vietnam (VPV)	ZB-02-18-03
War Resistors League (WRL)	ZB-00-06-53
W. E. B. DuBois Clubs of America (DCA)	ZB-01-51-19
Women Strike for Peace (WSP)	ZB-01-36-95
Workers World Party (WWP)	ZB-00-95-39
Young Socialist Alliance (YSA)	ZB-00-88-52
Youth Against War and Fascism (YAWF)	ZB-01-43-51

ANNEX B (INTELLIGENCE) TO DEPARTMENT OF THE ARMY CIVIL DISTURBANCE PLAN (U)

FEBRUARY 1, 1968.

Reference: Maps, Civil Disturbance Planning Packets (where available) or special editions of commercial map reproductions provided by Army Map Service.

1. (C) SITUATION

A. GENERAL

(1) Civil disturbances which are beyond the control of municipal or state authorities may occur at any time; however, in the past the majority have been a summer occurrence. The majority will probably continue to occur in hot weather which is particularly unsettling in crowded, urban centers. Dissatisfaction with national policy manifested in the anti-draft and anti-Vietnam demonstrations, and the environmental conditions contributing to racial unrest and civil disturbances in the United States are recognized factors within the political and social structure. As such, they might provide a preconditioned base for a steadily deteriorating situation leading to demonstrations and violent attacks upon the social order. The consistency and intensity of those preconditions could lead in time to a situation of true insurgency should external subversive forces develop successful control of the situation. Federal military intervention may be ordered to save life and property, alleviate suffering, and restore law and order.

(2) Analysis of civil disturbances: see OACSI, DA, Counterintelligence Research Project, CI Special Study, subject: Civil Disturbances CONUS--1967 (U), dated 31 July 1967.

B. DISSIDENT ELEMENTS

(1) Civil rights movements

Although widespread, civil disturbances have occurred as individual, localized actions apparently resulting more from a general climate of opinion than from specific covert orders from a single source. There is no indication of directional control by any single organization, nor does any one organization appear to have sufficient authority or power to exercise such control. An effective consolidation of organizations or the formation of a supra-control agency could alter the situation in a short time and provide an improved capability for the development of subversive direction of civil disturbances. Meaningful degrees of subversive influence and organized control are distinct future possibilities in the United States civil disturbance problem.

(2) Anti-Vietnam/anti-draft movements

Anti-Vietnam and anti-draft movements have increased in scope and number in the past two years. Protests against war have been common for many years and have generally followed the pattern of marching, picketing, and distributing literature by individual groups. The first nation-wide attempt to coordinate these peace movements was effectively made in the spring of 1966 by the Spring Mobilization Committee to End the War in Vietnam (SMC). In 1966 the SMC coordinated and staged anti-war rallies in San Francisco, New York City, and a number of minor demonstrations in other cities. Because of the success of the SMC's initial endeavor, the anti-war movement established the National Mobilization Committee to End the War in Vietnam (NMC) to act as a permanent coordinating committee for demonstrations. Originally distinct from, but aligned with the NMC in ideology, were the anti-war/anti-draft groups. At the present time, even though the anti-war/anti-draft groups profess individuality and separation from other groups, their similarity of aims and actions operate to have almost the force and effect of an interlocking directorate similar to the NMC. Very strong support to the anti-war movement is also forthcoming from such "left" groups as the Communist Party, USA (CPUSA), the CPUSA youth front group, the W.E.B. Du Bois Clubs of America (DCA), the Students for a Democratic Society (SDS), Youth Against War and Fascism, the

Progressive Labor Party and a veritable host of smaller organizations. Tactics of the various organizations have undergone a change from passive actions to more militant actions, with "direct confrontations" now the main objective. Although the majority of anti-war protesters appear reluctant, for moral, practical, or legal reasons, to engage in public demonstrations of a nature which violate existing laws, there is a significant minority of professional agitators and young students who advocate either violent action or so-called disobedience of such a nature that violence is almost sure to ensue. Although many of the more articulate voices in the peace movement counsel against illegal actions, it appears that they have slight influence on those persons already committed to such action.

(3) Subversive Conspiratorial Aspects

a. Peace Movement

Although it cannot be substantiated that the anti-war and the anti-draft movements are acting in response to foreign direction, it must be pointed out that by their activities they are supporting the stated objectives of foreign elements which are detrimental to the USA. Many leaders of the anti-war and anti-draft movement have traveled to foreign countries, including Cuba, East Europe and North Vietnam to meet with Communist leaders. Therefore, the possibility exists that these individuals may be either heavily influenced or outright dominated by their foreign contacts. They may, in turn, influence their followers, the majority of whom have no sympathy for the Communist cause, but are unaware of their leaders' affiliations. Groups, such as The Resistance and the Students for Democratic Society (SDS), have openly announced their continuing intention to violate the law by aiding and abetting individuals desiring to criminally evade the draft. Both these groups have become increasingly more militant and are co-sponsors of illegal demonstrations against the draft, the military, and civilian and government recruiters on college campuses.

b. Civil Rights Movement

The Progressive Labor Party (PLP), a Marxist-Leninist group, was able to capitalize on an incident in order to spur Negroes to violence in Harlem and Bedford-Stuyvesant, New York City in 1964. Another Communist oriented, Marxist-Leninist group, the Revolutionary Action Movement (RAM) has been shown to be conspiring to commit murder and various acts of vandalism. The Student Nonviolent Coordinating Committee (SNCC), and in particular its chairman, H. Rap Brown, has been instrumental in aggravating tense situations in ghetto areas and in prolonging civil disorder. While most civil rights leaders are moderates and the majority of the Negro population abhors violence, a sufficient number of individuals seem susceptible to the violent rallying cries of the militants to make these individuals dangerous to society.

c. FRIENDLY FORCES

USCONARC and CONUS Armies, and the U.S. Army Intelligence Command support the Department of the Army by continuing current reporting of information on civil disturbances.

2. (C) ESSENTIAL ELEMENTS OF INFORMATION (EEI)

All CONUS-based major Army commands and subordinate commands will report information as obtained to satisfy Department of the Army EEI relative to:

a. Plans, operations, deployment, tactics, techniques, and capabilities of individuals, groups or organizations whose efforts are to reduce U.S. military capabilities through espionage, sabotage, subversion, treason, propaganda and other disruptive operations.

b. Patterns, techniques, and capabilities of subversive elements in cover and deception efforts in civil disturbance situations.

c. Civil disturbance incidents or disorders which involve CONUS military installations or personnel.

d. Thefts of significant quantities of weapons and ammunition from civilian companies or industries. Thefts of significant quantities of government weapons and ammunition from Active Army, Reserve, National Guard, or ROTC installations and facilities.

e. Strikes, civil disturbances, and labor disturbances which affect military installations, or other strikes or labor and civil disturbances of sufficient magnitude to indicate a probable employment of federal troops to preserve or restore order.

f. Information concerning opposition that may be expected by Military Forces if called upon to maintain or restore order. Specifically, possible courses of action, methods and capabilities, weapons and support.

g. Impact or significance of changes in federal, state, or municipal laws, court decisions, referendums, amendments, executive orders, or other directives which affect minority groups.

h. Cause of civil disturbance and names of instigators and group participants.

i. Indicators of potential violence:

(1) High unemployment rate among minority groups.

(2) Noticeably heightened crime rates among minority groups.

(3) Dissatisfaction and complaints arising from disparity of average income between the whites and the non-whites.

(4) Declining rapport between law enforcement officials and minority groups.

(5) Migration of large numbers of a minority group into a city slum area.

(6) Protests of the minority community relative to conditions in slum areas, such as de facto segregation in housing and schools, lack of jobs, lack of recreational facilities, police brutality, and overcharging of goods and services by local merchants.

j. Indicators of imminent violence:

(1) Presence or participation in local activities by militant agitators.

(2) Increase in thefts and sales of weapons and ammunition.

(3) Increase in efforts of extremist, integrationist, and segregationist groups to instigate violence, e.g., increase in numbers of handbills, pamphlets, and posters urging acts of violence.

(4) Increase in number of incidents of window breaking, false fire alarms, thefts, and other harassments of damaging nature to the community.

(5) Reports and rumors of planned violence.

(6) Presence of known instigators of violence.

3. (C) ORDERS AND REQUESTS FOR INFORMATION

a. Supporting plans of USCONARC and CONUS Armies, and the U.S. Army Intelligence Command will include provisions for rapid reporting and dissemination of responses to the above EEI in the following priority consistent with appropriate security regulations:

(1) Task Force Commander

(2) Army Operations Center (AOC), DA

(3) MDW or CONUS Army wherein the disturbance is imminent or in progress.

(4) USCONARC/USARSTRIKE

(5) CINCSTRIKE

b. Commanders will insure that units and personnel are familiar with announced EEI.

c. Local liaison with federal and civilian agencies by the military intelligence operating elements of the USAINTC is encouraged.

4. (C) INTELLIGENCE AND COUNTERINTELLIGENCE OPERATIONS

a. Information required to accomplish the mission of the Chief of Staff, US Army, will be obtained through all resources available to the commanders, to include intelligence reports, estimates, studies, and special studies prepared by the commands.

b. OACSI, DA, will prepare and disseminate reports, estimates, studies, and special studies, as appropriate, from information obtained or received at the national level.

c. The primary organization for direct support of the Department of the Army in the coverage and reporting of information on civil disturbances is the US

Army Intelligence Command. The Command's operational planning will include provisions for providing civil disturbance information to the Task Force Commander upon announcement of his appointment and thereafter.

d. Upon dispatch of Personal Liaison Officer by the Chief of Staff, U.S. Army, to the area of anticipated trouble, ACSI, DA, will, in turn, designate an ACSI point-of-contact (ACSI-POC) who will respond to satisfy the requirement of the Chief of Staff, Army (CofSA) Personal Liaison Officer.

5. (U) MAPS

Appropriate maps for the objective area will be provided by the Army Map Service.

6. (U) COUNTERINTELLIGENCE SUMMARY

(See Section 4 of the Civil Disturbance Planning Packet pertaining to the objective area and current SPIREP).

DEPARTMENT OF THE ARMY, Washington, D.C., May 2, 1968.

Subject: Department of the Army Civil Disturbance Information Collection Plan (ACDP) (U).

To: See Annex D.

1. (U) Forwarded herewith for your information is the Department of the Army Civil Disturbance Information Collection Plan (ACDP).

2. (U) Any information that may come to the attention of addressees related to the subject matter covered by this plan will be appreciated by the Department of the Army. In this connection, no active investigation is requested. Such information should be addressed to the Assistant Chief of Staff for Intelligence, Attn.: ACSI DSCC&O, Department of the Army, Washington, D.C. 20310.

3. (U) Regraded unclassified when separated from classified inclosure.

For the Chief of Staff:

VASCO J. FENILL,
Brigadier General, GS
Acting Deputy ACofS for Intelligence
(For WILLIAM P. VARRBOROUGH,
Major General, GS,
ACofS for Intelligence)

DEPARTMENT OF THE ARMY CIVIL DISTURBANCE INFORMATION COLLECTION PLAN (ACDP) (U)

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1. (U) REFERENCES

- JCS SM 695-63, 25 May 1963.
- JCS Publication 2, paragraph 40505, 40506, and 40507.
- DA Civil Disturbance Plan (U), 1 February 1968.

2. (C) GENERAL

a. The Department of the Army Civil Disturbance Information Collection Plan (ACDP) provides basic guidance and direction for the planning, coordination, and employment of DA intelligence and counterintelligence resources in the collection and reporting of information pertinent to civil disturbances.

b. It is recognized that Army assistance to local or State authorities in peacetime, as well as in wartime emergency, is a long standing tradition in our country. In most instances in the past, such assistance was rendered with a minimum of advance information concerning the situation. The current civil disturbance situation dictates a change in the degree to which the Army must seek advance information concerning potential and probable trouble areas and trouble makers.

c. The Army is well aware that the overwhelming majority in both the anti-war and the racial movements are sincere Americans. It also realizes that in both groups there is a small but virulent number who are out to tear America apart. During demonstrations and disturbances these are the activists that control the violent action. These are people who deliberately exploit the unrest and seek to generate violence and terror for selfish purposes. If the Army must be used to quell violence it wants to restore law and order as quickly as possible and return to its normal protective role—to do this it must know in advance as much as possible about the well springs of violence and the heart and nerve causes of chaos. To do less means the professional violence purveyors will have a better chance to achieve their end aims—law breaking, social disintegration, chaos, violence, destruction, insurrection, revolution.

d. In obtaining the information called for in this plan the Army seeks only to collect that needed to exercise honest and sound judgment of the measures to be taken in suppressing rampant violence and restoring order—to assure that only the mildest effective measures are exercised—to insure that no overstepping of the degree of force or circumscription needed is applied—to conserve military resources and to avoid infringement on the responsibility and authority of civil government agencies—to insure pervasive vigilance for the fundamental rights of private citizens by the selective and enlightened use of force in restraint against those who are truly violating the rights of their fellow citizens.

3. (C) MISSION

To procure, evaluate, interpret, and disseminate as expeditiously as possible information and intelligence relating to any actual, potential or planned demonstrations or other activities related to civil disturbances within the Continental United States (CONUS) which threaten civil order or military security or which may adversely affect the capability of the Department of the Army to perform its mission.

4. (C) SITUATION

a. Possible military action required of the Army may include the commitment of federal forces to restore and maintain law and order, to enforce the laws of the United States, or to protect the rights of citizens within a State. Information required to fulfill assigned missions is obtained through liaison conducted with federal, state, and local agencies by US Army Intelligence Command (USAINTC) personnel and by the collection sources designated in Appendix B. USAINTC personnel will not be directly used to obtain civil disturbance information unless specific direction to do so has been received from Headquarters. DA. Pre-disturbance information to satisfy Army requirements will be obtained by drawing on other Federal as well as State and local sources which secure such data in the course of carrying out their primary duties and responsibilities.

b. When need for military intervention in a civil disturbance situation appears imminent, the Personal Liaison Officer of the Chief of Staff, US Army (PLOCofS) will be dispatched in advance of the task force to the objective area to coordinate with municipal and state officials, make an estimate of the situation, and report directly to the Chief of Staff, US Army. To fulfill his responsibilities, it is necessary that the PLOCofS have up-to-date and detailed information on the current situation in the designated area.

(1) The officer directing the USAINTC operations in the objective area will provide maximum assistance to the PLOCofS in matters of liaison, coordination, information, and other needs of the PLOCofS in accomplishing his responsibilities.

(2) Upon commitment of Army forces and/or arrival of the Personal Liaison Officer of the Chief of Staff, US Army (PLOCofS) in the objective area, US Army Intelligence Command (USAINTC) personnel are authorized to operate more actively to fulfill intelligence requirements: specifically, intensify or initiate contact with local police and government officials, civil leaders, members of private organizations, and observe demonstrations, riots, and other activities which have a bearing on the situation.

(3) USAINTC personnel will not engage in covert operations pertinent to civil disturbances without prior approval and direction of this Headquarters.

(4) During the execution of civil disturbance control operations, the USAINTC unit covering the civil disturbance responds to the EEI and other support requirements of the Task Force Commander and PLOCofS until they depart the objective area.

c. Dissemination. Information and intelligence will be disseminated without delay to higher, parallel, and subordinate headquarters in accordance with their requirements by the most expeditious means consistent with its importance and security classification.

5. (C) EXECUTION

This plan is directive to DA elements only and is furnished to other agencies for information and coordination purposes.

a. DA Agencies: Those DA agencies indicated are requested to respond to requirements listed in Appendix B. Designated agencies may publish supplemental guidance and procedural instructions consistent with this plan. In the event such supplemental instructions are prepared, request that two copies be forwarded to the Assistant Chief of Staff for Intelligence (ACSI), DA, ATTN: ACSI-DSCD, Washington, D.C. 20310, within 30 days after publication.

b. Mutual Support Arrangements. Agencies, offices, and commands from whom mutual support arrangements will be requested are listed in Appendix B. Details of mutual support arrangements, when required, will be outlined in separate correspondence with each agency concerned and will not be made a part of this collection plan.

c. Comments and Recommendations: Users of this plan are invited and encouraged to submit recommended changes or comments to improve it. Comments should be keyed to the specific page, paragraph, and line of the text in which the change is recommended. Reasons should be provided for each comment to insure understanding and complete evaluation. Comments should be forwarded directly to the Assistant Chief of Staff for Intelligence (ACSI), DA, ATTN: ACSI-DSCD, Washington, D.C. 20310.

6. (U) PRIORITIES

Civil disturbance information collection priorities are contained in Appendix C.

7. (U) DISTRIBUTION

a. Distribution list is contained in Appendix D.

b. Addressees are requested to make distribution of this plan within their respective agencies and commands. Reproduction of this document in whole or in part is authorized to meet the requirements of individual addressees.

APPENDIX A

REPORTING ON "THRESHOLDS OF CONTROL" FACTORS

1. (FOUO) Violence which is beyond the control of local authorities does not exist solely as a function of the number of incidents. Rather it exists as a function of the commitment of those reserves available to local civil commanders, the capabilities of their personnel, the rate at which the reserves are being used up, compared to the "staying power" of the disturbance causers, the trends in the character of the disorder, and the interpretations of those specific incidents which reflect on the moods and possible courses of future action by the groups involved in both sides of the disturbance. For example, an outbreak of incidents far in excess of normal levels may not constitute an emergency if local authorities have not committed all of their reserves. In most large cities, with many

reserves such as off-duty personnel and personnel from unaffected areas, and a well ordered system of commitment and shifting of resources, this type of situation could perhaps be handled routinely. Conversely, an outbreak of incidents not greatly above normal levels which was sustained for a prolonged period could prove to be an emergency, if the reserves available to civil commanders were committed and exhausted at a rate greater than that at which they could be relieved and rested. A large outbreak of fires may be handled routinely by a fire department that can draw on the reserves of surrounding areas, but a small outbreak may be disastrous if other factors are considered: for example, in the event firemen refused to answer alarms in areas where snipers were active, it could result in the spreading of fires which under normal circumstances could have been easily controlled. The point at which control by civil authorities can no longer be maintained is considered to be the "threshold of control."

2. (FOUO) Thus, the best collectors and analysts are the civil commanders and experts on the scene: the fire and police chiefs, the city managers and like officials. Such individuals will not be expert at predicting the exact course of future events, as has been proved in past riots, but they will be the authorities on the commitment and capabilities of their reserves, the character of the disorder, and the moods of the hostile minority groups. They will differentiate between normal incidents and incident levels, and disturbance incidents and incident levels, without resorting to numerical manipulation. They will make judgments based on consideration of all of these important numeric and non-numeric factors, and their past experience with all elements involved. A police commissioner may not be able to cite the statistics on arrests, fires, false alarms, or looting in his area on an hour-to-hour basis. But he may be able to report with reliability, that "if these incidents continue at this level for six more hours, my men just will not be able to handle it without help."

3. (C) The Counterintelligence Spot Report System concentrates on incident reporting. Such information is needed in order to chart the course and tempo of an ongoing civil disturbance and keep the responsible military authorities advised of the scale and character of the disorder. However, in addition to the spot reports, information is needed regarding the capabilities of local civil officials to maintain control. Such information will be of great assistance to federal authorities in anticipating the point at which local and state agencies are no longer able to cope with a violent civil disturbance.

4. (C) Liaison with those individuals and agencies who can be expected to have in-depth pictures of the situation, the problems, and the maintenance of order is, in most cases, already established: If these sources are used to provide information regarding advance planning, reserves, commitments, personnel capabilities and limitations, trends in the character of the disorder, and the ability to contain continuing violent disturbances, the picture of future developments and requirements will become clearer than would be the case with incident-by-incident reporting alone.

5. (C) The types of information contained in Appendix B, Section II, Activities During Civil Disturbance, will provide the Federal authorities with the information necessary to weigh the capacity of the civil officials to maintain control of the disturbance.

APPENDIX B TO DA CIVIL DISTURBANCE INFORMATION COLLECTION PLAN (ACDP) COLLECTION REQUIREMENTS

1. (U) Headquarters, Department of the Army civil disturbance information collection requirements are stated in this appendix. These requirements reflect the information which DA requires for the effective discharge of its mission.

2. (C) DA collection agencies who are requested to respond to specific requirements are indicated by the symbols listed below and as annotated on pages B-3 thru B-16. DA collectors are also requested to report information pertinent to other requirements that may be obtained as a by-product of their other activities:

- A—Continental Army Command (CONARC).
- B—US Army Intelligence Command (USAINTC).
- C—The Provost Marshal General (TPMG).
- D—Commander-in-Chief, US Army Forces, Strike (CINCARSTRIKE).
- E—The National Guard Bureau (NGB).

I—Department of the Navy.
J—Department of the Air Force.
K—Defense Intelligence Agency (DIA).
L—Other Department of Defense Agencies.

5. (C) Requests to cooperating agencies for information: The following US Government agencies are requested to furnish to the Department of the Army, as soon as obtained, any information which is pertinent to the collection requirements stated herein:

Central Intelligence Agency (CIA)
Subversive Activities Control Board
Department of Transportation
U.S. Coast Guard

Department of the Treasury : a. Office of the Special Assistant (Enforcement) ;
b. US Customs ; c. Bureau of Narcotics ; d. US Secretary Service ; e. Internal Revenue Service, Alcohol and Tobacco Tax Division.

Department of Justice: a. Community Relations Service; b. Civil Rights Division; c. Internal Security Division; d. Federal Bureau of Investigation; e. Interdivision Information Unit; f. Immigration and Naturalization Service, U.S. Border Patrol.

Atomic Energy Commission (AEC).
General Services Administration (GSA).

[illegible]

AREAS OF COVERAGE AND COLLECTION AGENCIES - Continued

Requirement	Military District of Washington	1st U.S. Army area	3d U.S. Army area	4th U.S. Army area	5th U.S. Army area	6th U.S. Army area	Other areas
1. Predisturbance activities--Continued							
b. Activities preceding planned civil disturbance--Continued							
(10) Location and name of important buildings facilities that may be threatened. What makes the building facilities important? Who is owner, responsible for building facilities? How can he be contacted?	A, B, C, M	A, B, C, M	A, B, C, M	A, B, C, M	A, B, C, M	A, B, C, M	G, I, J, K, L.
(11) Location and description of communications systems, public utilities, and stores of volatile fuel. Responsible person? How contacted?	A, B, C, M	A, B, C, M	A, B, C, M	A, B, C, M	A, B, C, M	A, B, C, M	G, I, J, K, L.
(12) Possible threat to Federal property. What? Where? When? By whom?	A, B, C, M	A, B, C, M	A, B, C, M	A, B, C, M	A, B, C, M	A, B, C, M	G, I, J, K, L.
(13) Do the facilities in (10) (11) and (12) above have their own physical security? How adequate?	A, B, C, M	A, B, C, M	A, B, C, M	A, B, C, M	A, B, C, M	A, B, C, M	G, I, J, K, L.
(14) Identification of Department of the Army personnel (military or civilian) who are or may become involved on the side of the disturbers.	A, B, C, M	A, B, C, M	A, B, C, M	A, B, C, M	A, B, C, M	A, B, C, M	G, I, J, K, L.
c. Indicators of potential violence:							
(1) High unemployment or menial work rate among discontented minority groups.	A, B, C, G, L, M.	A, B, C, G, L, M.	A, B, C, G, L, M.	A, B, C, G, L, M.	A, B, C, G, L, M.	A, B, C, G, L, M.	G, I, J, K, L.
(2) High crime rates for discontented minority groups.	A, B, C, G, L, M.	A, B, C, G, L, M.	A, B, C, G, L, M.	A, B, C, G, L, M.	A, B, C, G, L, M.	A, B, C, G, L, M.	G, I, J, K, L.
(3) Wide disparity of average income between white and discontented non-white.	A, B, C, G, L, M.	A, B, C, G, L, M.	A, B, C, G, L, M.	A, B, C, G, L, M.	A, B, C, G, L, M.	A, B, C, G, L, M.	G, I, J, K, L.
(4) Poor relations between law enforcement officials and discontented minority groups.	A, B, C, G, L, M.	A, B, C, G, L, M.	A, B, C, G, L, M.	A, B, C, G, L, M.	A, B, C, G, L, M.	A, B, C, G, L, M.	G, I, J, K, L.
(5) Migration of large numbers of persons from discontented minority groups into cities.	A, B, C, G, L, M.	A, B, C, G, L, M.	A, B, C, G, L, M.	A, B, C, G, L, M.	A, B, C, G, L, M.	A, B, C, G, L, M.	G, I, J, K, L.
(6) Lack of means for minority groups to redress grievances and lack of meaningful communications between law enforcement agencies and the minority community.	A, B, C, G, L, M.	A, B, C, G, L, M.	A, B, C, G, L, M.	A, B, C, G, L, M.	A, B, C, G, L, M.	A, B, C, G, L, M.	G, I, J, K, L.
(7) Protests of minority community to conditions in slum areas, such as: de facto segregation in unions, housing, and schools; lack of jobs; lack of recreational facilities; local merchants and landlords overcharging for housing, goods, or services; police brutality; substandard education facilities and teaching staff.	A, B, C, G, L, M.	A, B, C, G, L, M.	A, B, C, G, L, M.	A, B, C, G, L, M.	A, B, C, G, L, M.	A, B, C, G, L, M.	G, I, J, K, L.
(8) Efforts by minority groups to upset the balance of power and the political system.	A, B, C, G, L, M.	A, B, C, G, L, M.	A, B, C, G, L, M.	A, B, C, G, L, M.	A, B, C, G, L, M.	A, B, C, G, L, M.	G, I, J, K, L.
(9) Failure of law enforcement agencies to properly respond due to indecision, lack of manpower, or fear of public reaction.	A, B, C, G, L, M.	A, B, C, G, L, M.	A, B, C, G, L, M.	A, B, C, G, L, M.	A, B, C, G, L, M.	A, B, C, G, L, M.	G, I, J, K, L.
(10) Inequitable law enforcement, real or imagined, toward minority groups.	A, B, C, G, L, M.	A, B, C, G, L, M.	A, B, C, G, L, M.	A, B, C, G, L, M.	A, B, C, G, L, M.	A, B, C, G, L, M.	G, I, J, K, L.
(11) Public apathy or negative reaction to issues of civil rights and impartial law enforcement.	A, B, C, G, L, M.	A, B, C, G, L, M.	A, B, C, G, L, M.	A, B, C, G, L, M.	A, B, C, G, L, M.	A, B, C, G, L, M.	G, I, J, K, L.
d. Evidence of subversion							
(1) Formation of a covert subversive organization directed against legally constituted government.	All	All	All	All	All	All	H, I, J, K, L.
(2) Evidence of or attempts by subversive organizations to penetrate and control civil rights or militant organizations composed primarily of nonwhites.	All	All	All	All	All	All	H, I, J, K, L.
(3) Collaboration between subversive groups and nonwhite organizations and groups.	All	All	All	All	All	All	H, I, J, K, L.
(4) Assistance to nonwhite militant groups from outside the United States, especially from Cuba and Communist China.	All	All	All	All	All	All	H, I, J, K, L.
(5) Indications of movement into extremist, integrationist, and segregationist groups by the Communist Party of the United States, American Nazi Party, Nation of Islam, Knights of the Ku Klux Klan, and the Progressive Labor Movement.	All	All	All	All	All	All	H, I, J, K, L.
(6) Aims and activities of groups attempting to create, prolong, or aggravate racial tensions, such as CORE, NAACP, SNCC, National States Rights Party, Southern Christian Leadership Conference, and Council of Federated Organizations.	All	All	All	All	All	All	H, I, J, K, L.
e. Purposes and objectives of dissident groups:							
(1) Overall purpose and objectives. Long-term and short-term objectives and relationship to problems of minority groups and the country. Estimates of plans and objectives; capabilities, resources to be employed.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.
(2) Specific aims and roles. Coordination with other minority groups and dissident organizations. Support obtained from other agencies.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.
f. Capabilities and vulnerabilities of dissident groups: Evidence of strengths and weaknesses in terms of ability to create civil disturbance situations, to expand activities to meet emergencies, to enlarge potential for disturbance, and to maintain own internal security.							
(1) Capabilities and vulnerabilities of dissident groups: Evidence of strengths and weaknesses in terms of ability to create civil disturbance situations, to expand activities to meet emergencies, to enlarge potential for disturbance, and to maintain own internal security.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.
g. Funds: Source and extent of funds, how are they distributed. General purpose for which funds are used.							
(1) Funds: Source and extent of funds, how are they distributed. General purpose for which funds are used.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.
h. Organization of dissident groups:							
(1) High Command. Composition and structure of headquarters. Relationship to other agencies. Exact titles, location of functions and responsibilities, lines of authority, organizational charts, rosters of key personnel.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.
(2) Subordinate elements. Administration, organization, functions, responsibilities, principal and alternate locations, strengths, facilities, lines of authority, organization and key personnel.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.
i. Tactics and strategy of dissident organizations: How do these elements plan and execute their civil disturbances and related actions. The nature and scope of their tactics and strategy. Proposed or planned deviations from usual or accepted tactics. Internal factionalism and protagonists. Cause themes and appeals.							
(1) Tactics and strategy of dissident organizations: How do these elements plan and execute their civil disturbances and related actions. The nature and scope of their tactics and strategy. Proposed or planned deviations from usual or accepted tactics. Internal factionalism and protagonists. Cause themes and appeals.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.
j. Personnel:							
(1) Number of active members; breakdown of membership by ethnic group, age, economic status, education, criminal record. Biographic data on key members.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.
(2) Potential for increasing membership. Numbers of persons, source of members.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.
(3) Women members. Age, position within group, authority, biographic data.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.

* As relates to civil disturbance only.

AREAS OF COVERAGE AND COLLECTION AGENCIES—Continued

Requirement	Military District of Washington	1st U.S. Army area	3d U.S. Army area	4th U.S. Army area	5th U.S. Army area	6th U.S. Army area	Other areas
1. Predisturbance activities—Continued							
j. Personnel:—Continued							
(4) Pay. What members receive pay? Are expenses reimbursed? Source of funds?	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.
k. Administration: How is organization supervised and controlled? Who is responsible for correspondence and related actions? Does organization produce publications? Identify.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.
l. Training: Are skills useful in creating disturbances and doing violence taught; e.g., fabrication of Molotov cocktails, homemade bombs, firearms, booby traps, and other devices? Judo, marksmanship, communication training, countersurveillance, infrared photography. Training areas, source of support, instructors.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.
m. Logistics: Sources of supplies, weapons, vehicles. Location, stocks, capacity of stockpiles. Methods of resupply.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.	A, B, C, G, I, J, K, L, M.
2. Activities during civil disturbance.							
(1) Location, form and extent of violence and damage. Proximate cause for outbreak	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.
(2) Identification of individuals and groups participating in civil disturbances. Leaders? Government personnel? News media representatives? Spokesman?	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.
(3) Targets or planned targets of violence, burning or looting; for example, neighborhoods, government buildings, Army installations, department stores, and public utilities.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.
(4) Patterns of violence which suggest centralized control and organization, for example, well organized sniping, selective firebombing, and other systematic destruction.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.
(5) Indications of participation in or instigation of violence by persons or groups known to be subversive.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.
(6) Expected duration of disturbance. Is it likely to recur? When can it be expected to break out again? In what locations and in what form?	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.
(7) Motive for the disturbance? Antiauthority? Antiwhite? Mixed?	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.
(8) The reserves committed by local agency commanders in the current situation	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.
(9) The effects on the current situation of reserves that have been committed.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.
(10) The projected effects of reserves that have been requested but not yet committed.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.
(11) The ability of the forces currently on the scene to contain the area and intensity of the disturbance.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.
(12) The direction of the disturbance; whether antiauthority, antiwhite, or undirected.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.
(13) The trends of riot connected activity; sniping, looting, bombing.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.
(14) The types of attacks on authorities; rock throwing, sniping.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.
(15) The reactions of authority to attacks; whether withdrawing or counterattacking.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.
(16) The authorization for use of riot control equipment.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.
(17) The riot control equipment presently in use.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.
(18) The use of mass media to influence civil disturbance elements.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.
(19) The refusal of local agency personnel to respond in disturbed areas or while under fire.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.
(20) The presence of news media representatives in the disturbed area.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.
(21) The effect of news media representatives in the disturbed areas.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.
(22) The extent of reporting from the disturbed area, and its sources.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.
(23) The communications with personnel in the disturbed area.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.
(24) The emergence of spokesmen for the minority element.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.	A, B, C, D, E, F, G, I, J, K, L, M.

Requirement	Military District of Washington	1st U.S. Army area	3d U.S. Army area	4th U.S. Army area	5th U.S. Army area	6th U.S. Army area	Other areas
2. Activities during civil disturbance—Continued							
(25) The indication of organization and central direction of rioters.	A, B, C, D, E, F, G, I, J, K, L, M	A, B, C, D, E, F, G, I, J, K, L, M	A, B, C, D, E, F, G, I, J, K, L, M	A, B, C, D, E, F, G, I, J, K, L, M	A, B, C, D, E, F, G, I, J, K, L, M	A, B, C, D, E, F, G, I, J, K, L, M	A, B, C, D, E, F, G, I, J, K, L, M
(26) The presence of militant leaders and their activities.	A, B, C, D, E, F, G, I, J, K, L, M	A, B, C, D, E, F, G, I, J, K, L, M	A, B, C, D, E, F, G, I, J, K, L, M	A, B, C, D, E, F, G, I, J, K, L, M	A, B, C, D, E, F, G, I, J, K, L, M	A, B, C, D, E, F, G, I, J, K, L, M	A, B, C, D, E, F, G, I, J, K, L, M
(27) The efforts to instigate or perpetuate violence.	A, B, C, D, E, F, G, I, J, K, L, M	A, B, C, D, E, F, G, I, J, K, L, M	A, B, C, D, E, F, G, I, J, K, L, M	A, B, C, D, E, F, G, I, J, K, L, M	A, B, C, D, E, F, G, I, J, K, L, M	A, B, C, D, E, F, G, I, J, K, L, M	A, B, C, D, E, F, G, I, J, K, L, M
3. Post disturbance activities.							
(1) Is disturbance likely to recur?	A, B, C, D, M	A, B, C, D, M	A, B, C, D, M	A, B, C, D, M	A, B, C, D, M	A, B, C, D, M	A, B, C, D, M
(2) When can it be expected to break out again? In what locations? In what form? To what degree?	A, B, C, D, M	A, B, C, D, M	A, B, C, D, M	A, B, C, D, M	A, B, C, D, M	A, B, C, D, M	A, B, C, D, M
(3) Are factors that precipitated the outbreak still present? What factors? To what extent do they still exist?	A, B, C, D, M	A, B, C, D, M	A, B, C, D, M	A, B, C, D, M	A, B, C, D, M	A, B, C, D, M	A, B, C, D, M
(4) What is attitude of minority groups who participated?	A, B, C, D, M	A, B, C, D, M	A, B, C, D, M	A, B, C, D, M	A, B, C, D, M	A, B, C, D, M	A, B, C, D, M
(5) Have militant agitators and other leaders left the area of civil disturbance? Where are they currently located?	A, B, C, D, M	A, B, C, D, M	A, B, C, D, M	A, B, C, D, M	A, B, C, D, M	A, B, C, D, M	A, B, C, D, M

AREAS OF COVERAGE AND COLLECTION AGENCIES

Requirement	USAREUR	USARPAC	USARSO	Other
4. International activities related to civil disturbances.				
Civil disturbance group relationships, international:				
(1) Manifestations of support by "peace" organizations or other organizations in either Communist or non-Communist countries.	C, H, I, J, K	C, H, I, J, K	C, H, I, J, K	I, J, K, L
a. Name of organization demonstrating support.	C, H, I, J, K	C, H, I, J, K	C, H, I, J, K	I, J, K, L
b. Leaders.	C, H, I, J, K	C, H, I, J, K	C, H, I, J, K	I, J, K, L
c. Number of participants.	C, H, I, J, K	C, H, I, J, K	C, H, I, J, K	I, J, K, L
d. Nature of protest activities.	C, H, I, J, K	C, H, I, J, K	C, H, I, J, K	I, J, K, L
e. Substantive features of protest, if any.	C, H, I, J, K	C, H, I, J, K	C, H, I, J, K	I, J, K, L
(2) Exploitation of U.S. prisoners of war and internees by foreign countries in support of civil disturbance in CONUS. All available details.	C, H, I, J, K	C, H, I, J, K	C, H, I, J, K	I, J, K, L
(3) Exploitation of U.S. deserters and defectors by foreign countries in support of civil disturbance in CONUS. All available details.	C, H, I, J, K	C, H, I, J, K	C, H, I, J, K	I, J, K, L

APPENDIX C

CIVIL DISTURBANCE INFORMATION COLLECTION PRIORITIES

1. (C) *Priority Assignment Base.* The Priority Assignment Base (PAB) consists of numerical priorities from 1 through 3. Within each priority, three sub-priorities (A, B, C) are established to indicate further the relative degree of urgency for satisfying a requirement. The criteria on which priorities and sub-priorities have been determined are shown below:

A. PRIORITIES

(1) Priority 1: Information concerning the existing civil disturbance/subversion threat against U.S. national interests, the realization of which could result in large-scale riots involving U.S. forces. This category of information is of such importance as to warrant maximum increased effort.

(2) Priority 2: Information concerning a potential civil disturbance/subversion threat against U.S. national interests, resulting from nationwide local racial incidents, deliberate provocations or regional difficulties which could result in limited involvement of U.S. forces. This category of information is of such importance as to warrant moderate increased effort.

(3) Priority 3: Information concerning natural phenomena and human adaptations, their interrelationships and effects on the civil disturbance situation in the nation. Collection of this information warrants routine effort.

B. SUBPRIORITIES

(1) A—Items requiring action before subpriority B or C items.

(2) B—Items requiring action after subpriority A but before subpriority C items.

(3) C—Items requiring action after subpriority A and B items.

2. (C) *Priority Intelligence Objectives.* Department of the Army priority civil disturbance intelligence objectives to be supported by this plan are stated below:

A. PRIORITY 1

(1) Maximum prior warning of an impending major civil disturbance outbreak in the United States.

(2) Major developments in the composition, disposition, and capabilities of dissident/subversive groups in the United States.

B. PRIORITY 2

(1) Plans, activities and capabilities of dissident/subversive organizations to create disturbances and effect arson, demolition, vandalism and other disruptive activities against property and persons of particular interest to the U.S. Government.

(2) Present and prospective dissident/subversive capabilities to initiate or support civil disturbances, subversive and paramilitary operations in the United States.

(a) Contact with dissident and subversive elements in target areas and support of such elements' activities.

(b) Logistic support to anti-government elements.

(3) Major developments in the composition, disposition and capabilities of subversive/dissident groups.

(a) Organization.

(b) Strength, location.

(c) Support.

(4) Vulnerabilities of local and state governments to penetration, internal subversion and overthrow, through violence or other illegal means, by subversive/dissident groups and biographic data on current, key leaders of such groups.

(5) Nature and extent of insurgency potential in low income, racially troubled areas.

(6) Extent and nature of Communist aid to dissident/subversive groups.

(7) Intra-group relations and schisms; extent and nature of internal resistance and disagreement within subversive/dissident organizations.

(8) Circumstances, trends and occurrences that substantially affect capabilities of subversive/dissident groups to create civil disturbances, including acquisition of arms and enactment of new legislation.

C. PRIORITY 3

(1) Routine developments in the composition, disposition and capabilities of subversive/dissident groups.

(2) Circumstances, trends and occurrences that routinely affect capabilities of subversive/dissident groups to create civil disturbances.

(3) Routine data on personnel, funds, resources, organization, and location of dissident/subversive groups.

(4) Other information concerning civil disturbances that requires routine collection effort.

TABLE OF COLLECTION PRIORITIES

Subject	Key cities	Other areas United States	Other areas foreign
I. PREDISTURBANCE ACTIVITIES—Continued			
a. Indicators of threatening violence in community having a discontented populace:			
(1) Presence of militia or outside agitators.....	1B	1C	
(2) Increase in thefts and sales of arms and ammunition.....	1B	1B	
(3) Increase in efforts of militant/extremist groups to instigate violence.....	1B	1B	
(4) Sharp increase in number of incidents of violence, such as thefts, window breaking, false alarms, muggings, arson.....	1B	1B	
(5) Reports and rumors of planned violence.....	1B	1B	
(6) Increase in activity of extremist groups.....	1B	1B	
(7) Sharp increase in absentee rate of discontented minority workers.....	1B	1B	
(8) Increase in number of incidents of resisting arrest; gathering crowds at scenes of arrest.....	1B	1B	
(9) Increase in charges of police brutality, resentment of law enforcement.....	1B	1B	
(10) Increase in gang activity; antisocial activity of minority group members.....	1B	1B	
(11) Increase in assaults on police/firemen.....	1B	1B	
b. Activities preceding planned civil disturbances:			
(1) Probable causes, locations, and objectives of disturbances.....	1B	1B	
(2) Probable types of persons who will create or participate in disturbances.....	1B	1B	
(3) Probable numbers of persons who will create or participate in disturbances.....	1B	1B	
(4) Probable assembly areas or routes.....	1B	1B	
(5) Known leaders, overt and behind-the-scenes.....	1B	1B	
(6) Plans, activities, and organization prepared by leaders.....	1B	1B	
(7) Friends and sympathizers of participants, including newspapers, radio, television stations, and prominent leaders.....	1C	1C	
(8) Location of arms and supplies available to rioters.....	1B	1B	
(9) Location of arms and supplies liable to seizure by rioters.....	1C	1C	
(10) Important buildings that may be threatened.....	1C	1C	
(11) Location of communications systems, public utilities, and stores of volatile fuel.....	2C	2C	
(12) Threat to Federal property.....	1C	1C	
(13) Identity of DA personnel (civilian or military) who may be involved on side of disturbers.....	1C	1C	
c. Indicators of potential violence:			
(1) High unemployment rate for discontented minority groups.....	2C	2C	
(2) High crime rates for minority groups.....	2C	2C	
(3) Disparity of average income between white and nonwhite.....	2C	2C	
(4) Poor relations between law and minorities.....	2C	2C	
(5) Poor relations between law and minorities.....	2C	2C	
(6) Migrations of minorities into cities.....	2C	2C	
(7) Lack of means to redress grievances.....	2B	2B	
(8) Protests of minority community to conditions.....	2B	2B	
(9) Efforts by minority groups to upset balance of power and political system.....	2B	2B	
(10) Failure of law enforcement agencies to properly respond.....	2B	2B	
(11) Inequitable law enforcement.....	2B	2B	
(12) Public apathy or negative reaction to civil rights issues and impartial law enforcement.....	2B	2B	
d. Evidence of subversion: ¹			
(1) Formation of covert subversive organizations.....	1C	1C	1C
(2) Evidence of or attempts by subversive organizations to penetrate and control civil rights or militant organizations.....	1C	1C	1C
(3) Collaboration between subversive groups and nonwhite organizations.....	1C	1C	1C
(4) Assistance to nonwhite militant groups from outside the USA.....	1C	1C	1C
(5) Indications of movement into extremist, integrationist and segregationist groups by the Communist Party and other subversive organizations.....	1C	1C	1C
(6) Aims and activities of groups attempting to create, prolong or aggravate tensions.....	1C	1C	1C

¹ As relates to civil disturbances only.

TABLE OF COLLECTION PRIORITIES—Continued

Subject	Key cities	Other areas United States	Other areas foreign
Predisturbance activities—Continued			
e. Purposes and objectives of dissident groups:			
(1) Overall purpose and objectives. Long-term and short-term objectives and relationship to problems of minority groups and the country. Estimates of plans and objectives; capabilities; resources to be employed.....	2B	2B	2B
(2) Specific aims and roles. Coordination with other minority groups and dissident organizations. Support obtained from agencies.....	2B	2B	2B
f. Capabilities and vulnerabilities of dissident groups: Evidence of strengths and weaknesses in terms of effectiveness to create civil disturbance situations, to expand activities to meet emergencies, to enlarge potential for disturbance, and to maintain own internal security.....	2C	2C	2C
g. Funds: Source and extent of funds, how are funds distributed, and general purposes for which funds are used.....	2C	2C	2C
h. Organization of dissident groups:			
(1) High Command. Composition and structure of headquarters. Relationship to other agencies. Exact titles, location of functions and responsibilities, lines of authority, organization charts. Rosters of key personnel.....	2A	2A	
(2) Subordinate Elements. Administration, organization, functions, responsibilities, principal and alternate locations, strengths, facilities, lines of authority, organization and key personnel.....	2A	2A	
i. Tactics and strategy of dissident organizations: How are civil disturbances and related actions planned and executed? Nature and scope of tactics and strategy. Proposed or planned deviation from usual or accepted tactics.....	2C	2C	
j. Personnel:			
(1) Number of active members: breakdown of membership by ethnic group, age, education, economic status, criminal record, and biographic data on key members.....	2B	2B	
(2) Potential for increasing membership, number of persons, source of members.....	3A	3A	
(3) Women members. Age, position, and authority within group. Biographic data.....	3A	3A	
(4) Pay. What members receive pay? Are expenses reimbursed? Source of funds.....	3A	3A	
k. Administration: How is organization supervised and controlled? Who is responsible for correspondence and related action? Does organization produce publications? Identify.....	2C	2B	
l. Training: Are skills useful in civil disturbances taught, e.g., fabrication of Molotov cocktails, firearms? Communication training. Countersurveillance, other countermeasures. Clandestine skills (infra-red photog, SW). Training, areas, instructors. Sources of training support.....	2C	2C	
m. Logistics: Sources of supplies, weapons, vehicles. Location, stocks, capacities of stockpiles. Method of resupply.....	2C	2C	2C
2. ACTIVITIES DURING A CIVIL DISTURBANCE			
(1) Location of violence.....	1A	1A	
(2) Identification of participants and leaders.....	1A	1A	
(3) Targets or planned targets of violence, burning or looting.....	1A	1A	
(4) Patterns of violence that suggest organization.....	1A	1A	
(5) Indications of participation or instigation by subversives.....	1A	1A	
(6) Expected duration of disturbance.....	1A	1A	
(7) Motive for the disturbance. Anti-authority? Antiwhite? Mixed?.....	1A	1A	
(8) The reserves committed by local agency commanders in the current situation.....	1A	1A	
(9) The effects on the current situation of reserves that have been committed.....	1A	1A	
(10) The projected effects of reserves that have been requested but not yet committed.....	1A	1A	
(11) The ability of the forces currently on the scene to contain the area and intensity of the disturbance.....	1A	1A	
(12) The direction of the disturbance; whether anti-authority, anti-white, or undirected.....	1A	1A	
(13) The trends of riot connected activity; sniping, looting, bombing.....	1A	1A	
(14) The types of attacks on authorities; rock throwing, sniping.....	1A	1A	
(15) The reactions of authority to attacks; whether withdrawing or counterattacking.....	1A	1A	
(16) The authorization for use of riot control equipment.....	1A	1A	
(17) The riot control equipment presently in use.....	1A	1A	
(18) The use of mass media to influence civil disturbance elements.....	1A	1A	
(19) The refusal of local agency personnel to respond in disturbed areas or while under fire.....	1A	1A	
(20) The presence of news media representatives in the disturbed area.....	1A	1A	
(21) The effect of news media representatives in the disturbed area.....	1A	1A	
(22) The extent of reporting from the disturbed area, and its sources.....	1A	1A	
(23) The communications with personnel in the disturbed area.....	1A	1A	
(24) The emergence of spokesmen for the minority element.....	1A	1A	
(25) The indication of organization of the rioters.....	1A	1A	
(26) The presence of militant leaders and their activities.....	1A	1A	
(27) The efforts to instigate or perpetuate violence.....	1A	1A	

TABLE OF COLLECTION PRIORITIES—Continued

Subject	Key cities	Other areas United States	Other areas foreign
3. POSTDISTURBANCE ACTIVITIES			
a. Activities following civil disturbances:			
(1) Is disturbance likely to recur?	1B	1C	
(2) When can it be expected to break out again? Where? In what form? To what degree?	1B	1C	
(3) Are factors that precipitated the outbreak still present? What factors? To what extent do they still exist?	1B	1C	
(4) What is attitude of minority groups who participated?	1B	1C	
(5) Have militant agitators and other leaders left the area of civil disturbance? Where are they currently located?	1B	1C	
4. INTERNATIONAL ACTIVITIES RELATED TO CIVIL DISTURBANCES			
a. Manifestations of support by "peace" organizations or other organizations in either Communist or non-Communist countries:		1B	
(1) Name of organization demonstrating support		1B	
(2) Leaders		1B	
(3) Number of participants		1B	
(4) Nature of protest activities		1B	
(5) Salient features of protest, if any		1B	
b. Exploitation of US prisoners of war and internees by foreign countries in support of CONUS civil disturbances. All available details.		1C	
c. Exploitation of US deserters and defectors by foreign countries in support of CONUS civil disturbances. All available details.		1C	

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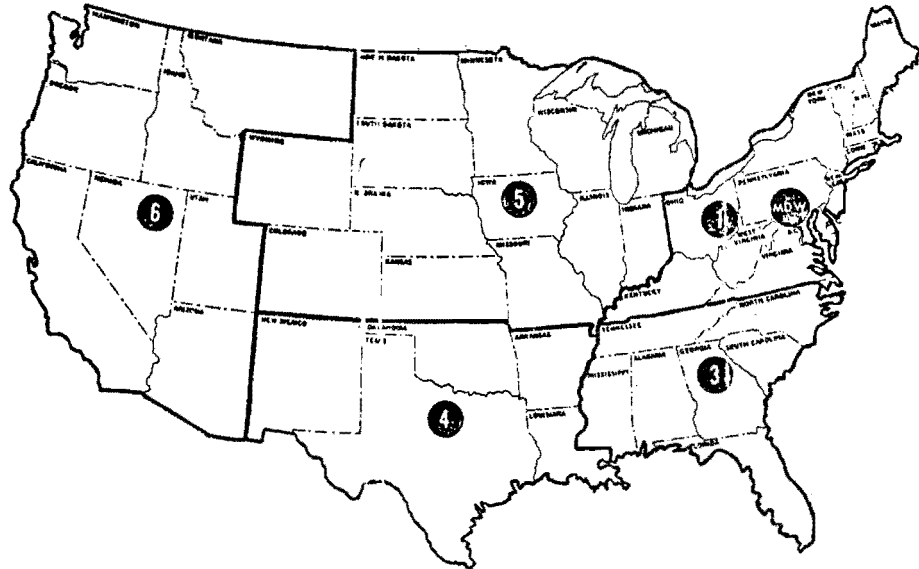
2. NON-DOD AGENCIES

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Atomic Energy Commission (AEC)	2
Subversive Activities Control Board	2
General Services Administration	1

¹ (One copy for each CONUS State AG).

APPENDIX E - MAP OF CONUS ARMY AREAS

CONUS ARMIES and the MILITARY DISTRICT OF WASHINGTON



HQ, Military District of Washington, US Army, Washington, DC 20315



HQ, First United States Army, Fort George G. Meade, Md. 20755



HQ, Third United States Army, Fort McPherson, Ga. 30330



HQ, Fourth United States Army, Fort Sam Houston, Texas 78234



HQ, Fifth United States Army, Fort Sheridan, Ill. 60037



HQ, Sixth United States Army, Presidio of San Francisco, Calif. 94129